-				ZED EDUCATION	Initial Placement: Date 2-18-06				
			School	Year 89-90	Periodic Review: Date				
Pupil's Name (Print) N	ATE JAC	KSON			3irthdate Age 17 Handicap MH(SBH - DH)				
Parent/Guardian PAU	LINE KOR	NEGAY	A	ddress	Phone				
School District of Residence:	DUNGSTOL	NN	Sc Di	hool strict or Educational A	agency of Attendance: EAST STAMBAUG (Service School)				
Student Number					Plan Date 11-17-89				
PROGRAM & SERVICES	CHECK	DATE TO BE INITIATED	ANTICIPATED DURATION	COMMENTS	EVALUATION PROCEDURES COMPLETED: INFORMATION GATHERED Date Completed: Comments:				
Regular Class					6-1-86 Medical 6-1-89				
Supplemental Service		I Laurence			2-16-89 Psychological BINET				
Ind. Sm. Group Inst.	,	11/00		W (STAMBAUGH)	1-18-89 Hearing-Screening PASSED AT 20 DECIBELS.				
Spec, Class/L,C.	V	1489	one year wirevie	W (STAMBAUGH)	4-21-89 Speech/Language, Testing TOAL-2				
Home Instruction	-				1-18-89 Audicgram				
Speech & Hearing	-			c differ	1-18-89 Visual Screening FAILED .				
Work-Study Adapted Phys. Ed	-	-			Teacher Assistant Team (TAT)				
Transportation	10	11/89	ana	FOLDERA	6-10-89 Placement Conf. (Parent)				
Other	11-13-89 5	11/87	one year w	review	OrthopedicOther				
Other	1100100								
	Lie				Evaulation Date Conform to Rules: Yes: No:				
EXTENT OF PARTICIP	ATION IN REGU	LAR EDUCATION	PROGRAM:	None					
PRESENT LEVELS OF Medical: MW B Vision: Wears Corrective	Diet Restrictions	NONE	propriate areas: Medication NON		E OF SP/LANG, CLINICIAN: Present Levels of Performance priate areas:				
Reading Level: Word Re	c. 10.0	Oral Reading /	1.0	Oral Exp	pression CA:17-2, 55:79, M:100, 0:15				
Reading Comprehension	10.0	SPELLING.	- GR.8	Listenin	Listening Comprehension CA: 17-2, 55:52, M:100, 0:15				
Math Calculation 5.	0	BRIGANCE	E -SEPT. 19	89 Written	Oral Expression CA:17-2, SS: 79, M:100, 0:15 Listening Comprehension CA:17-2, SS:52, M:100, 0:15 Written Expression CA:17-2, SS:76, M:100, 0:15				
Math Reasoning 4. C)			Articula					
ByNET Intelligence: Verbal _		erformance	Full 70		NORMAL				
Adaptive Behavior V	INELANT			Fluency					
Learning Modality				Hearing	PASSED. White-CIMS				
Classroom Behavior B					White-CIMS				
Behavior Expectancy		IS DIRECT	LY RELATI	ED	Canary-Parent Pink-Coordinator Goldenrod-CIMS				

ANNUAL GUALS	SHURT TERINITIVS TRUCTIONAL OBJECTIVES	EVALUATION PROCEDURES & CHITE
I. TO ACOMRE INTERNAL BEHAVIOR MANAGEMENT CONTROLS NECESSARY TO RESPOND POSITIVELY TO THE LEVEL MANAGEMENT SYSTEM 85% OF THE DAYS IN ATTENDANCE USING BASELINE DATA CHARTS	A. TO GAIN POSITIVE BEHAVIOR POINTS ON A DAILY BASIS 85% OF THE DAYS IN ATTENDANCE USING BASELINE DATA CHARIS.	A. BASELINE DATA CHARTS 85% ACCURACY.
2. NATE WILL REDUCE PSYCHOSOMATIC PHYSICAL SYMPTOMS AND FEARS RELATING TO SCHOOL AND PERSONAL PROBLEMS.	A. NATE WILL EXPRESS WORKIES AND CONCERNS REGARDING HOME OR SCHOOL IN AN APPROPRIATE MANNER. B. NATE WILL REDUCE THE NEGATIVE COMMENTS HE MAKES ABOUT SCHOOL BY TWO SLIPS PER DAY.	A. Teacher observation - 85% performance. B. Baseline data charts. 85% performance. Teacher observation.
THIS IEP WAS DEVELOPED BY THE FOLLOWING CONFERENCE PARTICIPANTS (Include name and title):	LEAST RESTRICTIVE ENVIRONMENT If placement is in a separate facility, document needs that necessitate; The continuum of program options for which my child is eligible has these brochures and I understand that the indicated placement is the I HAVE REVIEWED THE IEP AND ACCEPT DO NOT ACCEPT	been explained to me. I have received east restrictive. EPTTHE PROGRAM AND PLACEMENT ATTEND.
11-2789 Walliam Entenh Date Placement Committee Chairperson	I AGREE TO WAIVE MY RIGHT TO RECEIVE NOTIFICATION OF CERTIFIED MAIL.	
	Date (Signature of Pare	ent)
a. Are Instructional Objectives being achieved? 1.	AL) REVIEW: Met as stated	State and Federal Rules and Regulations mandate that every handicapped child be re-evaluated at
	ervable progress	least every three years. This is to NOTIFY YOU
b. Is the current placement appropriate?	□ Data Base	THAT YOUR CHILD WILL BE PROVIDED THAT MANDATED RE-EVALUATION prior to your
c. REVIEW SCHEDULE: ANNUAL SEMI-ANNU		child's next Periodic Review.
d. Recommendations for placement and general program		Mark if applicable: White-CIMS Canary-Parent
nfer Chain in Line	Par uard T	Pink-Program Coord

School Year	NATE JACKSON. Student's Name	Page 3 of 5
Annual Goals:	Short Term Instructional Objectives:	Evaluation Procedures & Criteria:
3. NATE WILL INCREASE WORD RECOGNITION SKILLS.	A. WHEN PRESENTED WIA LIST OF 10 WORDS COMMONLY FOUND AT THE TENTH GRADE LEVEL, NATE WILL PRONOUNCE THE WORDS WI 85% ACCURACY. B. WHEN PRESENTED WIA 10th grade PASSAGE, NATE WILL READ ORALLY WIO EXPERIENCING DIFFICULTY IN PRONOUNCING. MORE THAN TWO WORDS IN 20.	A. INFORMAL TESTING- 85% ACCURACY B. INFORMAL TESTING- 85% ACCURACY.
4. NATE WILL INCREASE HIS ABILITY TO SOLUE COMPREHENSION QUESTIONS FROM 10.0 TO 10.5	A. NATE WILL ANSWER WHO, WHAT, WHERE, WHEN, + HOW QUESTIONS CONCERNING A PASSAGE AT IN- STRUCTION AL LEWEL-READ ORALLY OR SILENTLY. B. NATE WILL BE ABLE TO DRAW CONCLUSIONS FROM A READING SCLECTION READ SILENTLY OR ORALLY 35% OF THE TIME.	A. INFORMAL TESTING - 8590 ACCURACY. B. INFORMAL TESTING- 8590 ACCURACY.
5. NATE WILL INCREASE MATH GRADE LEVEL FROM 5.0 TO 5.5.	A. Nate WILL BE ABLE TO ADD AND SUBTRACT FRACTIONS WILLIE AND UNLIKE DENOMINATORS WI 850/0 ACCURACY. B. NATE WILL COMPLETE EXER-CISES USING DECIMALS IN ADDITION, SUBTRACTION, MULTIPLICATION, + DINISION WI 850/0 ACCURACY.	B INFORMAL TESTING-
6. NATE WILL INCREASE HIS ABILITY TO SOLVE COMPREHENSION PRO- BLEMS FROM 4.0 TO 4.5,	A. NATE WILL DETERMINE THE OPERATION NEEDED TO SOLUE A WORD PROBLEM 85% OF THE TIME B. NATE WILL SOLUE WORD PROBLEMS BY ADDING, SUBTRACTING, MULTIPLYING, OR DIVIDING WI 85% ACCURACY.	

School Year Annual Goals:	NATE JACKSON Student's Name Short Term Instructional Objectives:	Page 4 of 5
9. NATE WILL INCREASE HIS KNOWLEDGE OF ROCKS and HOW THEY ARE FORMED.	A. MATE WILL BE ABLE TO LIST THE THREE TYPES OF ROCKS FOUND IN THE EARTH'S CRUST + WILL STATE HOW THEY ARE FORMED. B. NATE WILL STATE AT LEAST ONE WAY THAT IGNEOUS, JEDIMENTARY, AND META MORPHIC RICKS CAN BE IDENTIFIED.	A. INFORMAL TESTING- 85% ACCURACY. B. INFORMAL TESTING- 85% ACCURACY
8. NATE WILL INCREASE HISTORY SKIUS IN ORDER TO INCREASE UNDERSTANDING OF AMERICAN HISTORY.	A. NATE WILL LIST 5 BASIC PAIGHTS OF ALL AMERICAN CITIZENS. B. NATE WILL LIST 4 BELIEFS STATED IN OUR CONSTITUTION W/ 850/0 ACCURACY.	A. INFORMAL TESTING - 85% ACCURACY. B. INFORMAL TESTING- 85% ACCURACY.
9, NATE WILL INCREASE GRAMMAR SKILLS.	A. GIVEN ID SENTENCES, NATE WILL UNDERLINE THE SIMPLE SUB- JECT ONCE + THE SIMPLE PREDICATE TWICE. B. GIVEN ID SENTENCES, NATE WHETHER THE SENTENCE IS DECLARATIVE, INTERAUGATIVE, IMPERATIVE, OR EXCLAMATORY W/ 85% ACCURACY.	B.INFORMAL TESTING - 85% ACCURACY.
10. NATE WILL INCREASE HIS PERFORMANCE IN DAILY HABITS OF BODY CARE and CLEANLINESS.	A. NATE WILL PRACTICE REGULARITY IN BATHINGAND SHOWERING HABITS. B. NATE WILL PRACTICE REGULARITY IN CHANGING INTO CLE AN CLOTHES ON A DAILY BASIS.	A. Teacher observation B. Teacher observation.

Annual Goals: Short Term Instructional Objectives: Evaluation Procedures & Criteria: 1. TO ENABLE STUDENTS TO PLOUD TO PLOUD END DEVELOP THEIR POWERS OF EMPRESSION BY VISUAL MEMIS USING UNARIOUS MEDIAS. O. NATE WILL WORK WITH MEDIA TO MAKE ART. D. NATE WILL PERCEIVE AND DESCRIBE WORKS OF ART. 2. TO IMPROVE NATE'S LEVEL OF PHYSICAL FITNESS IN AT LEAST FOUL OR MORE OF THE II PARTS OF THE III PARTS OF MINUTE RUN. B. NATE WILL BE ABLE TO DO DESCRIBE WORKS OF THE II PARTS OF THE III II I	School Year	NATE JACKSON. Student's Name	Page <u>5</u> of <u>5</u>
MOUIRE AND DEVELOP THEIR POWERS OF EXPRESSION BY VISUAL MEANS USING UNRIOUS MEDIAS. IN PERSONAL EXPERIENCES. NATE WILL TRANSFER HIS IDEAS TO CREATE ART. C. NOTE WILL WORK WITH MEDIA TO MAKE ART. D. NATE WILL PERCEIVE AND DESCRIBE WORKS OF ART. 2. TO IMPROVE NATE'S LE VEL OF PHYSICAL FITNESS IN AT LEAST FOUR OR MORE OF THE II PARTS OF FITNESS. B. NATE WILL BE ABLE TO ENDURE A TWO-THREE MINUTE RUN. STUPENTS SHALL HAU SUCCESS FULLY COMPLE 80% OF ALL PROTECT TO BE DETERMINED BY A CHECKLUST OF ALL PROJECTS FOR THE YEAR. 12. A + 12. B; TEACHER OBSERVATION. 3.			Evaluation Procedures & Criteria:
LEVEL OF PHYSICAL FITNESS IN AT LEAST TEN PUSH-UK, FOUR OR MORE OF THE II PARTS OF FITNESS. AT LEAST TEN PUSH-UK, B. NATE WILL BE ABLE TO ENDURE A TWO-THREE MINUTE RUN. JEACHER OBSERVATION. OBSERVATION.	ACQUIRE AND DEVELOP THEIR POWERS OF EXPRESSION BY VISUAL MEANS USING	1 PERSONAL EXPERIENCES. 1 B. NATE WILL TRANSFER HIS IDEAS TO CREATE ART. 1 C. NATE WILL WORK WITH MEDIA. 1 TO MAKE ART. 1 D. NATE WILL PERCEIVE AND	STUDENTS SHALL HAVE SUCCESS FULLY COMPLET 80% OF ALL PROJECTS TO BE DETERMINED BY A CHECKLIST OF ALL PROJECTS FOR THE
14.	FITNESS IN AT LEAST FOUR OR MORE OF THE 11 PARTS OF	A. NATE WILL BE ABLE TO DO AT LEAST TEN PUSH-UPS, B. NATE WILL BE ABLE TO ENDURE A TWO-THREE	TEACHER
4.	3.		
	4.		

n 11.17.44, at the IEP meeting of (Date) Cont (Green Circh) Cont (Cont (Tracing))	with the	e followi	· · · · · · · · · · · · · · · · · · ·
What is the least restrictive environment in which this child can be educated?	4.000000	e the opriate er.	If "yes" is below the middle line, documen needs which necessitate placement in a separate facility.
Regular class	Yes	No	NATE EXHIBITS THE
Regular class with supplemental services	Yes	No	BE HAVIORS:
Regular class with individual/small group instruction	Yes	No	1. TAUKING- OUT 2. EXCESSIVE DRUGTI
Special class/learning center located in Public school building	Yes	No	3. OUT UF SEAT 4. HAS A DIFFICULT
Separate school in the district	Yes) No	CONSTRUCTIVE CRITIC ISM.
County board of mental retardation and developmental disabilities facility	Yes	No	
State School for the Blind or the Ohio School for the Deaf	Yes	No	5. Negative attitud towards school
State institution operated by Ohio departments of Mental Health; Mental Retardation and Developmental Disabilities; or Youth Services	Yes	No	A contract of the contract of
Home instruction	Yes	(No)	

I have been informed of the continuum of alternative placements for which children are considered. I agree that the least restrictive environment for my child is the one indicated above.

Parent did not attend

Date

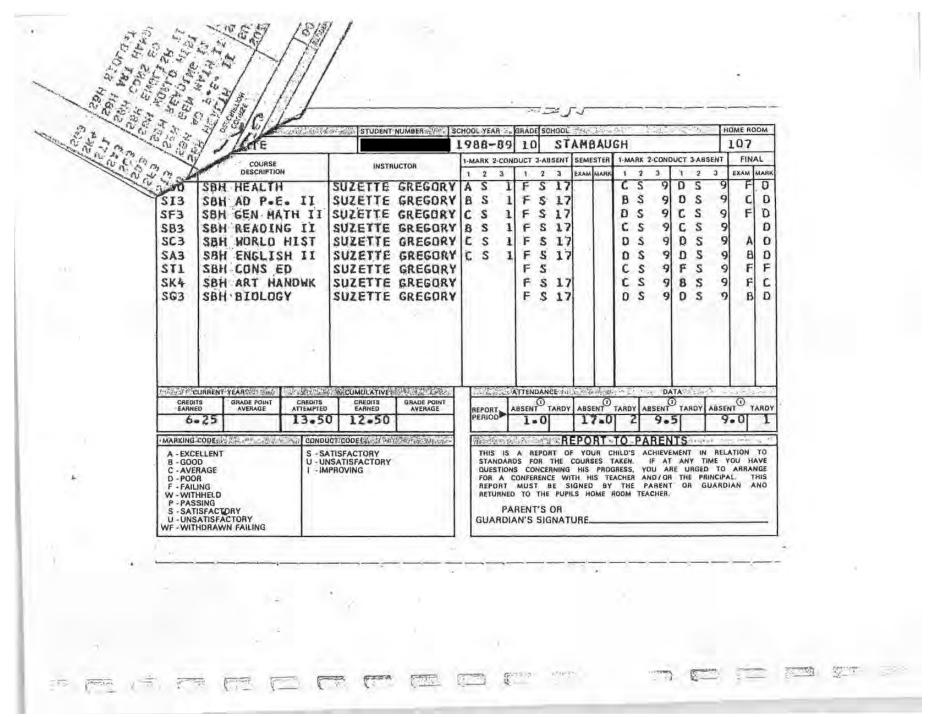
NOTE: This information must be a part of the IEP or attached to the IEP of each student placed in a separate facility.

Case: 4:07-cv-00880-JG Doc #: 47-15 Filed: 07/14/17 7 of 186. PageID #: 12826

and execution thru-out his Nate will evid attendance and Nate will exhibited to employed	tional Objectives: hibit appropriate ret n of learned job task training.	employer will be shared with teacher, parent, principal ol and program coord.
Short Term Instructing Nate will exand execution thru-out his Nate will evid attendance and Nate will exhicelated to empl	tional Objectives: hibit appropriate ret n of learned job task training. ence appropriate scho work attendance.	Evaluation Procedures & Criteria: ention Periodic written/oral s work evaluations from t employer will be shared with teacher, parent, principal ol and program coord.
ng Nate will ex and execution thru-out his Nate will evid attendance and Nate will exhi- celated to empl	hibit appropriate ret n of learned job task training. ence appropriate scho work attendance.	ention Periodic written/oral b work evaluations from to employer will be shared with teacher, parent, principal ol and program coord.
and execution thru-out his Nate will evid attendance and Nate will exhibited to employed	n of learned job task training. ence appropriate scho work attendance.	s work evaluations from the employer will be shared with teacher, parent, principal ol and program coord.
good communicate appropriate attoustomers, coopability to acce Nate will maintoutitude and control of the second control of the sec	oyability: Time manag ion and sociability, itude with co-workers eration, responsibili pt constructive critiain appropriate acade mpetence and school cb training. THE RULES AND PROCED	ement, and ty cism. mic ooperation.
EVIEW:		Date:
No □		
Data Base		
her (Specify)		
for next school year:		1
Parer	nt/Guardian	Teacher
	Nate will maint attitude and cochru-out his jo will follow ALL WORKPLACE FOR EVIEW: No Data Base her (Specify) For next school year:	will follow ALL THE RULES AND PROCED WORKPLACE FOR BEHAVIOR, CALLING OFF

Birthdate Father's Name 1) School Roose	evelt	Hor	me Address_ Busine School	ss Phone _	19/86	Mother's Name I				Phone	hone	
	IMMU	NIZATIO	NS	0		HEARING	Date	Result		Date	Resi	ult
TYPE	Date	Date	Date	Date	Date		12/6/19	Right 1	Lel1	1-18-89	Plant	06
DPT	4/10/12	414/12	8/2/12	8/13/13	2/23/16	(Under Result indicate Pass or Fail)	19/23/80	N	N			/ (
Td							3/84	. ~!	N			
Polio Sabin(Tri)	y'Yuz	6/12/2	8/2/2	813/13	2/23/26			Normal	☐ Artic	culation P	roblem []	Rhythm
•Measles 3/13/13					SPEECH		☐ Yoice Disorder ☐ Language Problem					
Rubella 22873				0111011		Other Check approp			licable:			
Mumps	10/23/84							☐ Maximum	Improveme	ant 🗆	Corrected	
Other Tine	3/14/17	0				VISION	19/4/18	Passed		1/89	Pass	
Required by Compulso Ohio Revised Code	ory Immuniz	ation Law,	Section 33	1.07 of		Muscle Balance	11/80	Pared	,			
Indicate any conditi	ons and/or	diseases o	f the stude	nt the tea	cher	Farsightedness						
should know of						Color						
							12)	Right	Left		Right	Let
	Date			Resu	It	P. R	12/14/78		40			
Additional Screening	5-7 Ja. 8	0 0	H	1 Pan.	LLM	Distance Acuity	1/80	30	10		1	
Dental	/24/8	-	Date	Date	Date		12/5/86	*	100)			
Health Examinations	11-74	Date	nate	Date	Date		1-18-89	* see in	ride al			
SCHO		EALTI	DEC	ORD			Date	Type	Resul	t Date	Туре	Res
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County of Mahoning

Youngstown, Ohio 44507

COMMON PLEAS COURT
DEPARTMENT OF ADULT PROBATION

1507 Market Street Youngstown, Ohio 44507 (330) 744-5143

September 4, 2001

Judge R. Scott Krichbaum Mahoning County Court of Common Pleas 120 Market Street Youngstown, Ohio 44503

Re: Nathaniel Jackson - # 00 CR 306

Honorable Judge Krichbaum:

On 5/24/01, the above defendant appeared before you for purposes of Judicial Release under docket 00-CR-306, for the offense of Receiving Stolen Property, a Felony of the Fifth Degree. He was granted Judicial Release and one (1) year community control, with the condition he enter and successfully complete the residential program at the Community Corrections Association. Subsequently, he was additionally granted Judicial Release on 5/24/01, in Judge Lisotto's Court under docket 00-CR-1114, for the offense of Receiving Stolen Property, a Felony of the Fourth Degree. This Court imposed two (2) years community control, with the condition he enter and successfully complete the residential program at the Community Corrections Association. He entered said program on 5/25/01.

On 9/01/01, at 9:30 a.m., Mr. Jackson was to return to the facility from his employment at Dinesol Plastics, 195 Park Avenue, Niles, Ohio. Facility staff member Erica Bowie made approximately six (6) telephone calls between 9:30 a.m. and 11:00 a.m., in an attempt to communicate with him. A call was placed at 11:00 a.m. to his mother's residence (Pauline Korneagay), at Youngstown, Ohio, in which an unidentified male stated that Mr. Jackson was there, but left for the store. A message was left for him to contact the facility upon his return.

At approximately 1:00 p.m., an administrative decision was made and Mr. Jackson was considered an absconder and was negatively terminated from the program.



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	-41
To: Judge R. Scott Krichbaum Re: Nathaniel Jackson - # 00 CR 306	
Due to Mr. Jackson not successfully comp we are respectfully requesting that a bench wo Violation.	
	Respectfully submitted,
	1
	Jeremy Simpson Probation Officer
Approved by,	
Richard J. Billak, Ph.D.	
Chief Executive Officer	
JS:kjk	in the second se
- Pr	
	X

			Co
			LERK OF COURTS
		COMMON PLEAS DUNTY, OHIO	MAY 2 5 2001 FILE D ANTHONY VIVO, CLERK
STATE OF OHIO)	CASE NO. 00 CR 11	
Plaintiff)	JUDGE ROBERT G.	LISOTTO
VS.)	JUDGMENT ENTRY MODIFICATION TO	
NATHANŒL JACKSON	,)		
Defendant	Ĭ.		

On May 24, 2001, a hearing was held pursuant to R.C. 2929.20 upon Defendant's request for judicial release. Court Reporter, Donna Gerlach, Defense Attorney, Mark Carfolo, and the State's Attorney, Robert Andrews, were present as was Defendant. Pursuant to R.C. 2929.20(D) the victim or victim's representative was notified.

After due consideration of the record, any oral or written statements prepared, as well as the principles and purposes of sentencing under R.C. 2929.11, and the seriousness and recidivism factors under R.C. 2929.12, the Court finds that Defendant is eligible for judicial release, not now being subject to a mandatory prison term, and further finds ALL of the following:

that a non-prison sanction does not demean the seriousness of the offense; that a non-prison sanction will adequately punish Defendant and protect the public; that factors decreasing seriousness outweigh those increasing seriousness; that there is less likelihood of recidivism.

Finding the Defendant now amenable to community control, the Court modifies Defendant's sentence AND THEREFORE imposes 2 years of community control to be monitored by the Adult Parole Authority specifically to include Correctional Treatment Facility for up to six months.

1

As a condition of probation, Defendant shall abide by all laws and shall not leave the State of Ohio without the permission of his probation officer. As a further condition of probation, Defendant shall obey the rules and regulations of the Community Corrections Association.

Violation of this sanction may lead to reimposition of the sentence reduced pursuant to judicial release.

Defendant is notified that if a prison term is imposed for violation of community control, the parole board may extend prison time up to 50% of the stated term in 15, 30, 60 or 90 day increments for crimes committed while in prison. After prison release, if post-release control is imposed, for

violating post release control conditions, the adult parole authority or parole board may impose a more restrictive or longer control sanction, return defendant to prison for up to nine months for each violation, up to a maximum of 50% of the stated term. If the violation is a new felony, Defendant may receive a new prison term of the greater of one year or the time remaining on post release control.

Pursuant to R.C. 2929.20, Defendant is ORDERED RELEASED to the custody of the Community Corrections Association.

Defendant is found to be indigent and all costs are suspended.

Defendant is ORDERED to avoid any contact with the victim in this matter.

Dated 5 /

HON. ROBERT G. LISOTTO

cc: State's Attorney

Defendant's Attorney Adult Parole Authority

Mahoning County Justice Center

Community Corrections Association

JE(k).wpd

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IN THE COURT OF COMMON PLEAS MAHONING COUNTY, OHIO

MAY 2 5 2001

STATE OF OHIO

11

CASE NUMBER: 00-CR-306

PLAINTIFF VS.

JUDGE R. SCOTT KRICHBAUM

NATHANIEL JACKSON DEFENDANT JUDGMENT ENTRY OF MODIFICATION TO SENTENCE

On May 24, 2001, a hearing was held pursuant to RC. 2929.20 upon Defendant's Motion for Judicial Release. Present in open Court were the defendant Nathaniel Jackson and his counsel Mark Carfolo. The State of Ohio was represented by Assistant Prosecuting Attorney Patrick Pochiro. Pursuant to RC. 2929.20(D), the victim was notified of today's hearing and did attend and did address the Court.

After due consideration of the record, all statements made or presented at the hearing, any written statements prepared, as well as the principles and purposes of sentencing under RC. 2929.11, and the seriousness and recidivism factors under RC. 2929.12, the Court finds that defendant is eligible for judicial release, not being subject to a mandatory prison term, and further finds all of the following: that since defendant has now served time in the penitentiary for this crime, that a non-prison sanction does not demean the seriousness of the offense, that a non-prison sanction will adequately punish defendant and protect the public, that factors decreasing seriousness outweigh those increasing seriousness, and that there is now less likelihood of recidivism.

Finding that the defendant is now amenable to community control, and that there is no objection from the Prosecuting Attorney, the Court modifies Defendant's sentence, and, therefore, the Court sentences Defendant to a period of community control. As conditions of community control, Defendant is not to violate any laws, Defendant is not to leave the State of Ohio without the permission of his probation officer or this Court. Defendant is not to own, use, or possess any drugs or firearms or alcohol. Defendant is not to cause or attempt to cause any harm or threat of harm to any person(s) or property.

TISOO P0359 As a further condition of community control, Defendant is to enter and successfully complete the residential program at the Community Corrections Association. While a resident of said program, Defendant shall be subject to the supervision of Community Corrections Association and shall abide by its rules, regulations, treatment plans and after care programs and recommendations of the Community Corrections Association.

Upon the defendant's successful completion of the program at the Community Corrections

Association, Defendant is to immediately report to the Adult Parole Authority at 2503 Belmont Ave.,

Youngstown, Ohio. At that time, the supervision of the defendant's community control is transferred to
the Adult Parole Authority for a period of One (1) year. Defendant is to obey all of the rules and
regulations of the Adult Parole Authority as a condition of his community control sanction and is further
Ordered to comply with all the other terms and conditions of community control imposed herein for the
entirety of his probationary term.

Violation of any of the terms and conditions of this probation can result in reincarceration.

Upon defendant's release from the Community Corrections Association, he is to immediately report to the Adult Parole Authority.

Defendant is ordered released from the Mahoning County Justice Center to the custody of the Community Corrections Association.

JUDGE R. SCOTT KRICHBAUM

Clerk: Copies to

7

Patrick Pochiro Mark Carfolo

Adult Parole Authority

Community Corrections Association Mahoning County Justice Center

Please send certified copy to Belmont Correctional Facility
PO Box 540
St. Clairsville, OH 43950

PRE-SENTENCE INVESTIGATION REPORT

Judge R. Scott Krichbaum

Nathaniel Edwin Jackson # 00 CR 306

CONFIDENTIAL

TO BE USED ONLY IN ACCORDANCE WITH THE PROPESSIONAL PRACTICES OF GORRECTIONAL WORK UNLESS OTHERWISE ORBERED BY THE COURT. (2951.03 O.R.C.)

5-24-01
- Judicial Release

granted
- enter CCA
- lyr. probation upon

Commission - CASE NO. 4:07-cv-0880

SUPP. APPENDIX - Page 5150

MAHONING COUNTY COURTS ADULT PROBATION DEPARTMENT

PRE-SENTENCE INVESTIGATION

DEFENDANT: NATHANIEL EDWIN JACKSON

ADDRESS:

YOUNGSTOWN, OHIO 44506

LEGAL ADDRESS: SAME AS ABOVE

EDUCATION: 1 1TH GRADE

AGE: 28 DATE OF BIRTH:

DEPENDENTS: -O-

CITIZENSHIP: UNITED STATES

Soc. SEC. No .:

FBI NO .: UNKNOWN

BCI No .: UNKNOWN

DETAINERS OR CHARGES PENDING: NONE KNOWN

CO-DEFENDANTS (DISPOSITION OR STATUS

OF CASE):

N/A

INDICTMENT:

RECEIVING STOLEN PROPERTY

DATE OF PLEA: 8/03/00

PLEA: GUILTY AS CHARGED

STATUTORY PENALTY:

F5° - 6,7,8,9,10,11 OR 12 MONTHS IMPRISONMENT AND UP TO A \$2,500 FINE. DOCKET No .: OO CR 306

HONORABLE

PRESIDING JUDGE: R. SCOTT KRICHBAUM

DEFENSE COUNSEL:

MARK A. CARFOLO 21 S. PHELPS STREET YOUNGSTOWN, OHIO 44503

PROSECUTING ATTORNEY:

PAUL J. GAINS, PATRICK POCHIRO, ASSISTANT

MAHONING COUNTY PROSECUTOR'S OFFICE

120 MARKET STREET YOUNGSTOWN, OHIO 44503

DATE REFERRED: 8/03/00

8/31/00 DATE SUBMITTED:

DATE TYPED: 9/12/00

ORC NUMBER: 2913.51 (A)(C)

AMOUNT AND TYPE OF BOND:

\$2,500 SURETY BOND, POSTED ON 3/29/00.

DATE OF ARREST: 3/26/00

JAIL CREDIT: 4 DAYS

4

DETAILS OF THE INSTANT OFFENSE

According to information received from the Boardman Police Department, the following details occurred in regard to the Instant Offense:

On 3/26/00, at approximately 9:25 a.m., Officer Spatar ran a random license plate check on a 1982 Honda Accord. The plate came back to a 1989 Dodge. Subsequently, the vehicle was stopped. During the traffic stop, it was discovered that the driver of the vehicle, Nathaniel Jackson, the defendant, was driving under an FRA suspension, and that the license plate was reported stolen out of the Youngstown Police Department. The defendant was arrested for Receiving Stolen Property and transported to the Mahoning County Sheriff's Department. He was given traffic citations for FRA and Seat Belt violations.

It should be noted that the victim of the Instant Offense, Pauline Korneagay, is the defendant's mother. It should also be noted that Anthony Sedita was a passenger in the vehicle when the defendant was arrested.

VICTIM'S STATEMENT

The victim, Pauline Korneagay, was contacted by telephone on 8/30/00, regarding the offense. Ms. Korneagay stated that her son is not living with her currently and was not living with her at the time of the offense. She stated that her son needs to get a job and needs "rehabilitation." She indicated that no restitution is due.

DEFENDANT'S STATEMENT

The defendant provided the following written statement on his Mahoning County Adult Probation questionnaire: "I feel that I was wrong for taking my mothers license plate an at the time I was on drugs but I feel if I get into this 9 month program that it will do me a lot good because I would love to get my life back on the right track." (sic)

PRIOR RECORD

JUVENILE

According to the Mahoning County Juvenile Court, the defendant possesses the following juvenile record:

PLACE

Ohio

Ohio

Ohio

Mahoning County,

Mahoning County,

Mahoning County,

NATHANIEL EDWIN JACKSON - # 00 CR 306 PRE-SENTENCE INVESTIGATION

OFFENSE

88 JV 963

89 JV 1061

89 JV 1607

Aggravated

Burglary

Robbery

Unruly

DISPOSITION
Probation 11/09/88 Probation terminated
<u>9/13/89</u> Probation
12/07/89 Probation

Probation terminated

3/28/90

2

ADULT

DATE

09/19/88

07/26/89

10/10/89

41

According to information received from the Austintown P.D., Boardman P.D., Campbell P.D., Canfield P.D., Girard P.D., Liberty Township P.D., Mahoning County Sheriff's Dept., McDonald P.D., Niles P.D., Poland Township P.D., Struthers P.D., Trumbull County Sheriff's Dept., Warren P.D. and Youngstown P.D., the defendant possesses the following adult record:

DATE	OFFENSE	PLACE	DISPOSITION
01/20/91	Receiving Stolen Property	Youngstown, Ohio	2/08/91 180 days jail, suspended, \$100 fine & costs, 1 year probation
08/07/91	91 CR 724 Aggravated Burglary	Youngstown, Ohio	1/17/92 5 to 25 years LCI 9/25/92 Granted shock probation, sentence suspended, placed on 2 years probation with condition defendant complete CCA 8/15/94 Probation terminated
05/19/93	Loitering for Drugs	Youngstown, Ohio	5/19/93 \$250 fine, \$200 suspended, costs suspended, 6 months probation

NATHANIEL JACKSON v. WARDEN CASE NO. 4:07-cv-0880 SUPP. APPENDIX - Page 5153

3

	DATE	OFFENSE	PLACE	DISPOSITION
	08/14/93	Aggravated Burglary (amended to Criminal Trespass)	Youngstown, Ohio	8/16/93 30 days jail, suspended, \$250 fine & costs, \$200 suspended, 6 months probation
	08/26/93	Theft	Youngstown, Ohio	10/26/93 180 days house arrest
	09/20/93	Theft	Youngstown, Ohio	10/25/93 6 months county jail, \$1000 fine
	01/22/94	Ct. 1 - Theft, Ct. 2 - Disorderly Conduct, Ct. 3 - Resisting Arrest	Youngstown, Ohio	2/14/94 Count 1 - 180 days county jail; Count 2 - 30 days jail, Count 3 - 90 days jail
	05/26/94	Possession of Drug Paraphernalia	Youngstown, Ohio	7/11/97 7 days county jail, 7 days credit
	11/27/94	Possession of Drug Abuse Instrument	Youngstown, Ohio	11/28/94 60 days jail, suspended, \$500 fine, \$450 suspended, costs, 6 months probation, drug rehab
	12/22/94	Ct. 1-Criminal Trespass, Ct. 2-Theft	Youngstown, Ohio	1/03/95 Count 1 - 30 days jail, suspended, \$250 fine & costs, suspended, 12 months reporting probation Count 2 - 180 days jail, 120 days suspended, 3 days credit for time served, \$1000 fine & costs, \$900 suspended, 12 months probation
1	03/20/95	Theft on Warrant	Youngstown, Ohio	5/01/95 30 days county jail
	04/22/95	Theft on Warrant	Youngstown, Ohio	5/01/95 30 days county jail

4

##	DATE	OFFENSE	PLACE	DISPOSITION
	04/26/95	Possession of Drug Paraphernalia	Youngstown, Ohio	<u>4/27/95</u> 90 days jail
11	09/19/95	95 CR 877 Weapons Under	Youngstown, Ohio	2/14/96 18 months Lorain, creditfor 113
M	1	Disability		days jail, fine, suspended
121	03/09/97	Criminal Trespass	Youngstown, Ohio	12 days jail, 10 days suspended, 2 days credit, \$100 fine, \$58 suspended
	03/23/97	Attempted Aggravated Burglary (amended to Attempted Breaking and Entering)	Youngstown, Ohio	4/11/97 90 days jail, 60 days suspended, \$500 fine & costs, \$250 suspended, 18 days jail- credit
3				credit
Programme and the second	07/05/97	Possession of Drug Paraphernalia	Youngstown, Ohio	<u>7/11/97</u> 7 days jail, 7 days credit
4	07/30/97	Theft (amended to Unauthorized Use of a Motor Vehicle	Youngstown, Ohio	8/08/97 \$100 fine, suspended, \$46 costs, suspended, 1 year reporting probation
1	11/14/97	Possession of Drug Paraphernalia	Youngstown, Ohio	11/14/97 30 days jail, 180 day Ohio driver's license suspension
	09/06/98	Receiving Stolen Property (Auto) [amended to Theft]	Youngstown, Ohio	11/20/98 180 days jail, \$1000 fine, \$60 costs
	06/15/99	Receiving Stolen Property (Auto), Receiving Stolen Property (Credit Card)	Youngstown, Ohio	6/28/99 6 months jail
	03/26/00	Receiving Stolen Property	Boardman, Ohio	INSTANT OFFENSE

5

DATE	OFFENSE	PLACE	DISPOSITION
05/09/00	Receiving Stolen Property (amended to Unauthori Use of a Motor Vehicle		5/17/00 180 days jail, 135 days suspended, 8 days credit, \$500 fine, \$400 suspended, reporting probation
08/04/00	Theft	Youngstown, Ohio	8/22/00 60 days jail, 42 days suspended, 18 days credit, \$100 fine, \$60 costs, suspended, \$40 restitution, 1 year probation

The Mahoning County Prosecutor's Office may be able to provide additional information concerning the defendant's criminal history.

DISMISSED, NOLLIED AND UNKNOWN DISPOSITIONS

DATE	OFFENSE	PLACE	DISPOSITION
08/30/93	Aggravated Robbery	Youngstown, Ohio	Unknown
01/15/94	Theft	Youngstown, Ohio	No charges filed
12/22/94	Drug Abuse (Cocaine)	Youngstown, Ohio	1/03/95 Dismissed
09/19/95	Aggravated Menacing	Youngstown, Ohio	11/21/95 Dismissed
01/11/97	Receiving Stolen Property	Youngstown, Ohio	Unknown
07/30/97	Theft	Youngstown, Ohio	Dismissed
06/29/98	Unauthorized Use of a Motor Vehicle	Youngstown, Ohio	Dismissed
09/06/98	Falsification	Youngstown, Ohio	Unknown
06/15/99	Drug Paraphernalia	Youngstown, Ohio	Dismissed
08/04/00	Resisting Arrest	Youngstown, Ohio	Dismissed

6

INSTITUTIONAL AND/OR SUPERVISORY ADJUSTMENT

In reviewing the defendant's criminal history, it appears that he was granted probation on at least seven occasions, with new offenses committed during each period of supervision.

Therefore, the defendant's history of supervision in the community would be rated as poor.

SOCIAL SUMMARY

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The defendant was born on the part of in Youngstown, Ohio, out of wedlock to the relationship of Pauline Jackson and Charles Parge. The defendant reported a 30-year-old brother, Charles Jackson, who was also born to this relationship. The defendant's mother married one Anthony Korneagay, and together they produced one Taushi Korneagay, the defendant's 24-year-old half-sister. He described his childhood as "fair," and denied any type of abuse or neglect throughout his formative years.

The defendant stated he attended Rayen High School through the 11th grade, then dropped out due to drugs. He reports that he enrolled in the Choffin Career Center a few years ago, but did not obtain his G.E.D.

The defendant denies ever being married, however, has fathered two children with two separate women. He has a 6-year-old daughter, States Jackson, with one Lorainne Townsend; and a 1-year-old son, National Edition, with one Tursha Armitage. The defendant stated that he is not ordered to pay child support.

The defendant self-reported a history of "crack" cocaine and marijuana abuse. He has been using marijuana since 1985, and currently smokes one half ounce on a daily basis. He reports using "crack" cocaine since 1989, and states he uses as much as he can get on a daily basis. The defendant further reported consuming "a couple cans of beer" every other day. The defendant admitted to being under the influence of "crack" cocaine when he committed the Instant Offense. He has received treatment for substance abuse several times in the past. He attended the residential treatment program at the Community Corrections Association from 9/25/92 to 3/05/93. His prognosis upon release was rated as poor. He also reported attending the Salvation Army, but was negatively terminated due to a verbal conflict with another resident. He was admitted to the Neil Kennedy Recovery Clinic on 7/22/00, for detoxification from alcohol. He was released from their facility on 7/24/00.

The defendant described his physical health as "good," He did state that he has asthma. He denies ever being examined by a mental health professional.

The defendant has never served in any branch of the United States Armed Forces.

7

The defendant listed no financial assets and no financial obligations. He is not receiving any type of financial assistance from the Mahoning County Department of Human Services.

The defendant is currently unemployed. He reports his only prior employment as being with Dinesol Plastics, Inc., for a few months in 1997.

Reviewed by,

Nick Palazzo, Jr. Intake Director

Approved by

Richard J. Billak, Ph.D. Chief Executive Officer

PAD:kjk

Respectfully submitted,

Philip A Danchise Probation Officer

PRE-SENTENCE INVESTIGATION SUMMARY

Before the Court is a 28-year-old African-American male who pled guilty to the offense of Receiving Stolen Property, a Felony of the Fifth Degree. The Instant Offense involves the defendant driving a vehicle with a stolen license-plate.

The defendant has juvenile adjudications for Unruly, Robbery, and Aggravated Burglary. As an adult, he has convictions for Receiving Stolen Property (2), Aggravated Burglary, Loitering for Drugs, Criminal Trespass, Theft (6), Disorderly Conduct, Resisting Arrest, Drug Paraphernalia (3), Possession of Drug Abuse Instrument, Weapons Under Disability, Attempted Breaking and Entering, Unauthorized Use of a Motor Vehicle (2), and the Instant Offense.

The defendant was born on page in a Youngstown, Ohio, out of wedlock to the relationship of Pauline Jackson and Charles Paige. His mother later married Anthony Korneagay. The defendant listed one brother and one half-sister. He described his childhood as "fair," and reported no abuse or neglect.

The defendant completed the 10th grade at Rayen High School. Although he stated that he enrolled in the Choffin Career Center, school records could not be located. The defendant has not yet obtained his G.E.D.

The defendant denies ever being legally married. However, he listed two children (ages 1 and 6 years), born to relationships with two different women. He indicated that he is not ordered to pay child support.

The defendant reports an ongoing problem with "crack" cocaine since 1989, and marijuana since 19985. He admits to using crack cocaine at the time of the Instant Offerse. He reports that he consumes "a couple cans of beer" every other day. The defendant received residential treatment previously at the Community Corrections Association from 9/25/92 to 3/05/93. He reported that he was negatively terminated from a program at the Salvation Army due to a verbal conflict with another resident. He was admitted to Neil Kennedy for detoxification from alcohol on 7/22/00, and was released from that facility on 7/24/00.

The defendant described his physical health as "good," with the exception of having asthma. He reports no mental health problems or previous treatment.

The defendant has never served in any branch of the United States Armed Forces.

The defendant listed no financial assets and no financial obligations. According to the Mahoning County Department of Human Services, the defendant does not currently receive any type of financial assistance.

9

The defendant is currently unemployed. He reported no significant employment history.

Reviewed by,

Nick Palazzo, 90

Intake Director

Respectfully submitted,

Philip A Danchise Probation Officer

Approved by

Richard J. Billak, Ph.D. Chief Executive Officer

RAD:kjk

RECOMMENDATION

The defendant has been granted probation on numerous previous occasions. As indicated by his criminal record, the defendant has a poor history of supervision in the community. Since his arrest for the Instant Offense, he has been sentenced on two additional misdemeanor charges. It is noted that the defendant was previously granted shock probation in 1992, and was given the opportunity for residential treatment at the Community Corrections Association. He completed the program with a poor prognosis at that time.

Based on the above, it is respectfully recommended that the defendant be sentenced to a period of incarceration as deemed appropriate by the Court. Since the defendant does report an ongoing substance abuse problem and has expressed a desire for treatment, it is further recommended that he be ordered to complete a residential treatment program if considered for Judicial Release.

Reviewed by

Nick Palazzo, Jr

Intake Director

Approved by

Richard J. Billak, Ph.D. Chief Executive Officer

PAD:kjk/

Respectfully submitted,

Philip A. Danchise

Probation Officer

MAHON_.G COUNTY PROBATION DEP. .. TMENT

~ Seriousness ~ Amenability Factors ~ F-1 thru F-5 (non-drug)

100		F-1 thru F-5 (non-drug)
34	REC	DIVISM FACTORS
175	Recid	ivism Likely
Di	-	Offender out on bail before trial or sentencing, under court sanction or under post-release control or parole when offense was committed. Explanation:
(Th	X	Prior adjudication of delinquency or history of criminal convictions. Explanation: See prior record.
,14		Failure to respond favorably in the past to sanctions imposed for criminal convictions. Explanation: Poor history of supervision.
	_	Demonstrated a pattern of drug or alcohol abuse related to the offense and refuses to acknowledge the pattern or refuses treatment. Explanation:
Th	_	Shows no remorse for the offense. Explanation:
123	Recid	ivism Unlikely
	_	Not adjudicated delinquent prior to offense. Explanation:
18-3	_	No prior criminal convictions. Explanation:
H	_	Law abiding for significant number of years prior to offense. Explanation:
ina .	-	Occurred under circumstances unlikely to reoccur. Explanation:
	_X	Offender shows a genuine remorse. Explanation: Defendant appears to be remorseful.
199	SERI	OUSNESS FACTORS .
la s	More	Serious .
13		Injury to victim was worsened by the physical or mental condition or age of the victim. Explanation:
7	-	Victim suffered serious physical, psychological, or economic harm as result of offense. Explanation:
1	-	Offender held a public office or position of trust and the offense was related to that office or position. Explanation:
	-	Offender's occupation or office required the offender to prevent the offense or bring others committing it to justice. Explanation:
	_	Professional reputation, occupation or office facilitated the offense or is likely to influence future conduct of others. Explanation:
t.l.	_	Relationship with victim facilitated the offense. Explanation:
J.	_	Offense committed for hire or as part of organized criminal activity. Explanation:
	_	Crime motivated by prejudice based on race, ethnicity, gender, sexual orientation or religion. Explanation:
22	Less	Serious
	_	Victim induced or facilitated the offense. Explanation:
72 *	_	Offender acted under strong provocation. Explanation:
100	X	No physical harm to persons or property expected or caused. Explanation: Theft offense.

MAHONING COUNTY PROBATION DEPARTMENT

~ Seriousness ~ Amenability Factors ~ (Non-drug or drug offense under 2929.13 (B)(1)

1.21			
-h	Yes	No	
121	-	<u>x</u>	Physical harm caused to a person.
h	_	<u>x</u>	Attempt to cause or made an actual threat of physical harm with a weapon.
	-	<u>x</u>	Attempt to cause or made an actual threat of physical harm to a person and has a prior conviction that caused physical harm to a person.
		<u>x</u>	Offender held public office or position of trust and offense related to that office or position, position obligated the offender to prevent the offense or bring those committing it to justice or offender's reputation or position facilitated the offense or was likely to influence the conduct of others.
Post	7	<u>x</u>	Committed for hire or as part of an organized criminal activity.
15	_	<u>x</u>	Crime is a sex offense.
14	X	_	Offender previously served a prison term.
1	-	<u>x</u>	Offense committed while under a community control sanction.
1.57			

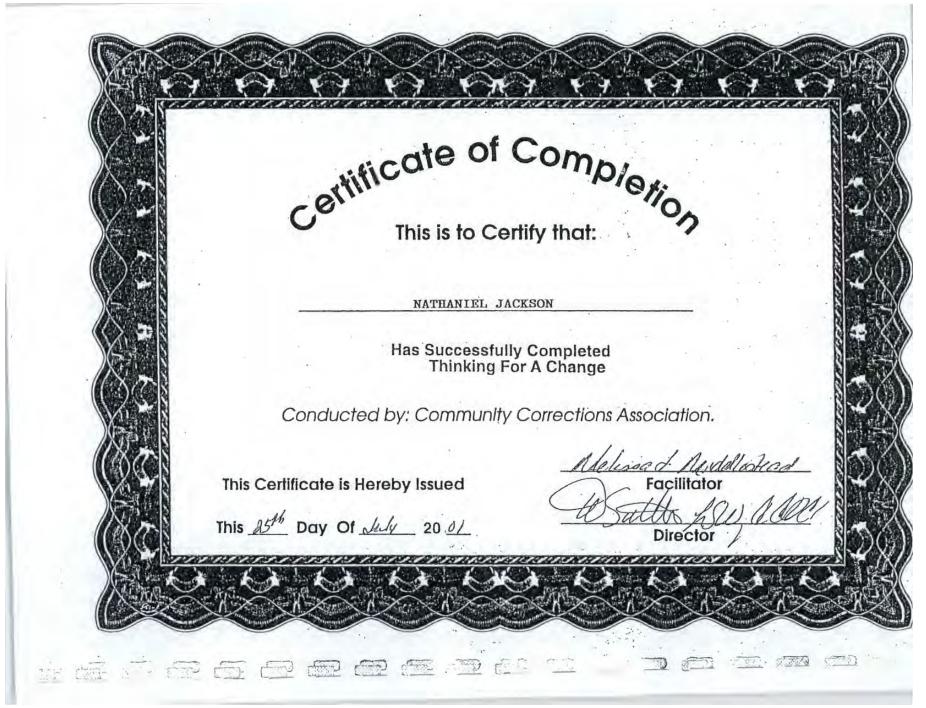
Amenability to Community Control Sanction

(To be used if one or more of the 8 factors above are marked Yes and if Seriousness and Recidivism Factors weigh toward More Likely and/or More Serious.)

Offender in is not amenable to an available community control sanction.

COMMUNITY CORRECTIONS ASSC IATION, INC. EMPLOYMENT VERIFICATION

Resident Name: Nate Jackson	
Employer: Direval Plantie	
Address: 195 Park ave.	
Milas, Okio	
Supervisor: January	
Phone Number: 544-7171	
(X) Cell Phone Business Pager	
*Additional Addresses Required (Job Sites) Yes No	
Start Date: 7/25/01	
Position: Labor	
Salary: 6.25 A.	
Method Of Payment: Personal Check Money Order_ Business Check Other Taxes Withheld First Pay Date: 8/3/0/	,
Pay Periods: hweekly.	
Work Hours: M- Sun 8p-8A	
Are Work Hours Subject to Change? Yes No	
Mode of Transportation: Private AutoBusVanTaxi	
Verified By: Judy Malorald Date Verified: 7/35/01	
Case Manager Approval:	
Director Approval: Je Mith - Very South Date: 1-26-07	
Federal Bureau Of Prisons requires our facility to notify the employer of the legal state who is currently residing at Community Correction. The resident is:	
Under the custody of the U.S. Attorney General Supervised by the Federal Probation Department	







2.	Address Age 29	Yo, OH Birthda	44506 ate				
3. 4.	Presenting Prob	olem and Need fo	or Assessment				
	☐ Court Refer	red	□ Referra	l for Rehab			
	☐ Case Manag	er Referred	☐ In-patie	ent 🗆	Other		
			Out pat	ient 🗆	In-House		
5.	Person Referrin	ng S	(ohn)				
6						-6	
	Substances	Daily & Amount	Weekly & Amount	Monthly & Amount	Method	First Use	Last Us
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	Marijuana		4 BLUNIS		smoke	1989	6/00
	Cocaine	16KAM			smoke	1990	6/88
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	Heroin	Denies					
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	Scripts	Denies					
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8.	Did chemical	use play any par	tin your arrest?	1 xerie	ortes o	hem 6	outer Sole
9.	History of Tre	arment for Chen	nical Dependency		· ·	The second second	
	10000017 00 000	200.200 (20.200)	and the second s				

10.	What was the longest perior of a	bstinence? one yeur	a Current)
11.	What was the longest period of a Have you attended self-help ground	ips? Gus Which ones?	AA/NA/en
12.	Do you have or have you had an		
13.	Do you have any allergies? Yes	No Explain:	
14.	Are you presently on medication	?(Yesdio List: inha	los - last used in
15.	Do you have a medical doctor?	0	
16.	When was the last time you saw	a doctor? in p	rion.
17.	Employment history in the last 5		
T	Employer	Dates	Reasons for Termination
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1	Buckeye Elko	1994-99	occasionall
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18.	Have you ever been discharged of	due to chemical use? Yes No	-
	Have you ever been discharged of Have you ever been in the Armed	d Services? Branch	NIA
		d Services? Branch Type of Discharge	NA
19.	Have you ever been in the Armer When? Educational History:	d Services? Branch Type of Discharge Highest Grad	N/A de Completed
19. 20.	Have you ever been in the Armed When? Educational History: Vocational Training	d Services? Branch Type of Discharge Highest Grace College	
19. 20.	Have you ever been in the Armer When? Educational History:	d Services? Branch Type of Discharge Highest Grace College	
19. 20.	Have you ever been in the Armed When? Educational History: Vocational Training	d Services? Branch Type of Discharge Highest Grace College	
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19. 20.	Have you ever been in the Armed When? Educational History: Vocational Training List any difficulties in school: Legal history & present reason for the Armed When?	d Services? Branch	cerated.
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	-3-
24.	Medications. List (psychia only)
25.	Have you ever had suicidal thoughts? Yes No When?
26.	Have you ever attempted suicide? Yes No When?
27.	Results/Hospitalization Yes/No No Treatment Emergency Room
28.	Was there any follow-up with a psychiatrist, counselor or other mental health personnel? Yes/No List
29.	Do you feel suicidal now? Yes No
30.	Have you had homicidal thoughts? Yes Wo When?
31.	Do you presently feel homicidal? Yes No Towards whom?
32.	Do you suffer from any of these? Anxiety Do Depression Depression Bi-Polar Sleep Disorders Do Family Problems
33.	What is your motivation TO accept treatment? To Reep Clean - Maint
34.	What is your motivation NOT to accept treatment
35.	What are your strengths? 600 / Family / Gullium
36.	What are your weaknesses? Duys - Unemplayer) - lack of (+1 se
37.	Diagnostics: SASSI Angh Pno B. OPI SAQ MMPI Profile R/O 309.0 309.3 292 Pl, 500.40, 311, 305.40, 30 - 8007, 301.81 VIII D Profile
38.	Diagnostic Impression: Connabio Alcafal 300.46 Dsythym Axis I 304.30 Axis II 799. 4, The form Ma 8 301.7 Control Axis IV Legal - Vocaleural, Columbia Axis V 52
40.	Progress Report and Outcome: Mate is a 29 yr of surjet St. Menography of the general his Chence when I 489 and location I dead Drily sense of Are reported Various Ringupting to a result This lager the milital legislass recommendations
Lens	th of Time for Assessment: Dne (1) hour (Must be CCDCIII, CCDCII. CCDCI. L

RESIDENT'S NAME: NATE	JACESON		
P.O.'S NAME:			1 /
	(IF APPLICA	ABLE)	
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1. VOCATIONAL	GOOD FAIR	POOR	
2. GED / ABE	GOOD FAIR	POOR	
3. DRUG / ALCOHOL ISSUES	GOOD FAIR		
4. INDIVIDUAL COUNSELING	GOOD FAIR		
5. GROUP COUNSELING 6. UNIT ADJUSTMENT	GOOD FAIR		
7. REC/LEISURE ACTIVITIES	- GOOD FAIR		
8. BUDGETING	GOOD FAIR	POOR	
9. FAMILY ISSUES	GOOD FAIR		
10. TRANSPORTATION	GOOD FAIR		
11. JOB SEARCH / EMPLOYMEN			
12. PROGRAM PLAN / GOALS 13. RELEASE PLANNING	GOOD FAIR		
14. INCIDENT REPORTS	GOOD FAIR		
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5. GROUP COUNSELING	GOOD	FAIR	POOR .		
6. UNIT ADJUSTMENT	GOOD	FAIR	POOR		
7. REC/LEISURE ACTIVITIES	- GOOD	FAIR	POOR		
8. BUDGETING	GOOD	FAIR	POOR		
9. FAMILY ISSUES	GOOD	FAIR	POOR		
10. TRANSPORTATION	GOOD	FAIR	POOR		
11. JOB SEARCH / EMPLOYMEN	NT GOOD	FAIR	POOR		
12. PROGRAM PLAN / GOALS	GOOD	FAIR	POOR		
13. RELEASE PLANNING	GOOD	FAIR.	POOR		
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	Goal	DRUG AND ALCOHOL ABUSE TREATMENT CONTRACT S:
1	1.	Complete a thorough substance abuse history and assessment by 6-1-01
]	2.	Discuss, review and demonstrate that you know and understand the Denial and Problem Identification phase by
	3.	Complete the Denial and Problem Identification Insight Series by6-/9-a/
1	4.	Discuss, review and demonstrate that you know and understand the Cravings Management phase by
1	5.	Complete the Cravings Management Insight Series by
1	6.	Discuss, review and demonstrate that you know and understand the Relapse Prevention phase b
	7.	Complete the Relapse Prevention Insight Series by 7-20-61
1	8.	Successfully complete the Post-Treatment Evaluation by 7-24-4
1		DRUG AND ALCOHOL TREATMENT CONTRACT dent's Obligations: Read all materials, complete each assessment instrument and provide all necessary information openly and honestly.
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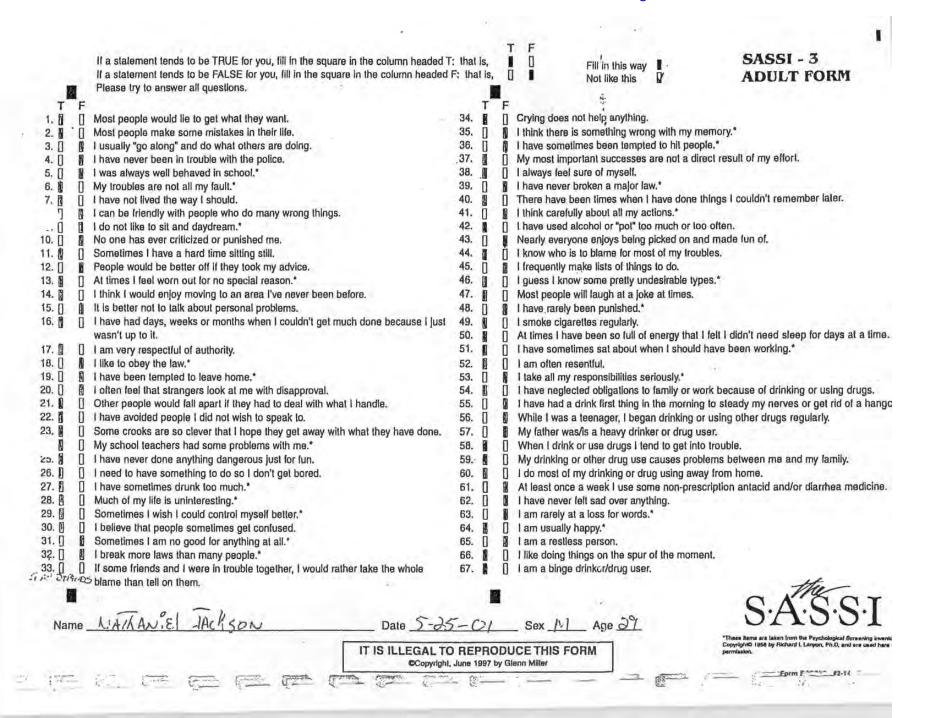
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1.5	RUG AND ALCOHOL TREATMENT "ONTRACT" -3-
	* In addition to your Drug and Alcohol Treatment Contract, you will be responsible for the following goals:
<u> </u>	1. Education: Alead Adult Busic Education 4-5 to week Propare to take the G.ED William state in regards to propare
2)	to the GED
	Completion Date: Date Completed:
 	2. Budgeting Issues: Develop a bodget based on \$ 30 allowed in facility but your commander dues is if the 30 is
	sufficient to care for all expenses, -feating
	Completion Date: L-16-07 Date Completed: 6-16-61
511	3. Individual Leisure Plans: Boyen attending recreational adjustices
33	provided while in program-on paper discord any losser cotioning, or diet plans in which you intend to
	Completion Date: (74-01 Date Completed: 4-4-01
1977	4. Employment Preparation: Begin attending vocations planen corres.
	for job search as well. Discuss and issues regarding employment
(4)	sul vicational specialist
1.5	Completion Date: 7-16-01 Date Completed:
	5. Groups: Atlant thinking for A Change Substance Abose through AN Cod, No. S. WAC, 30 day group and any other group assigned by assentinger,
i'	any coldinal relited areas at concern.
1	Completion Date: 7-26-97 Date Completed:
افر	6. Other: With your coscaning or one issues of once regarding your abstinence. Msu discuss which extend meetings you arest
17	to attend Discoss the importance of gaining a spinspor aswell
131	Completion Date: 7-22-01 Date Completed: 7-22-01
	Agreed to/for dates: through Outcome Summary:
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	Resident Signature: Nothanel behoon Case Manager / Credentials: All from
N.	Unit Director Signature:
	(CREDENTIALS) (LSW. CCDC-1 or above)

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N.	A CONTRACTUAL AGREEMENT
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11	
1.	
T	CLIENT OBLIGATIONS:
11	
T	- ATTEND AND PARTICIPATE IN ALL GROUPS AND CLASSES.
	-ATTEND ALL GROUPS AND CLASSES ON TIME
	- BE OPEN AND HONEST WITH STAFF DURING ALL DISCUSSIONS.
	- COMPLETE ALL ASSIGNMENTS ON TIME AND TURN IN TO STAFF.
43.	- DISCUSS ALL PROBLEMS OR CONCERNS AS THEY ARISE
	- OTHER:
88	- OTHER:
1 1 1	· · · · · · · · · · · · · · · · · · ·
n i	STAFF COMMITMENT
3	- DISCUSS UNTIL INSIGHT IS DEVELOPED.
	- S CHEDULE ALL CLASSES AND GROUPS
	- PROVIDE NECESSARY ASSIGNMENTS TO BE COMPLETED.
90	- MONITOR PROGRESS ON COMPLETION OF ALL ASSIGNMENTS
	- PROVIDE NECESSARY FEEDBACK
	- ASSIST WITH ALL PROBLEMS AND CONCERNS.
3. •	- OTHER:
<u>}.</u>	- OTHER:
	7
	CONTRACT NUMBER:
	AGREED TO FOR DATES: 7/22 THROUGH 9/19
1	OUTCOME SUMMARY AND SUBSEQUENT ACTION:
1	
,	4 4 4
1	RESIDENT SIGNATURE: Mottamel hacknown DATE: 7-25-01
	CASEMINICER
1	(A)
	1500 1000 - 1000
	USPO APPROVAL: DATE:
	USPO COMMENTS:

Name	Me Jacks			der M Age		Random Answering Pattern Check if RAP is 2 or more, Results may not be meaningful,
		Adult Male F	Profile			Try to resolve problem before pro-
Valid	Zalid Drugs oms	utributes	reness nental Measure	Controls	1	
Face Valid Alcohol	Face Valid Other Drugs Symptoms	Obvious Attributes	Defensiveness Supplemental Addiction Measure	Family vs. Controls Correctional	Rule 2	
FVA	FVOD SYM	OAT SAT	DEF SAM	PROPERTY AND INCOME.	PR Rule 3	FVOD 16 or more? SYM 7 or more?
Scores 4	26 11	18 17	13		Rule 4	
T Score 23 22 21 21	25 24 23 22	12	12	14 15	Fille 5	
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70 16 15 14 13	17 16 15 14 13	9 5	9 (9	12 10	T	5 or more Both?
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					DEF	1. The state of th



MMPI-2 ADULT INTERPRETIVE SYSTEM

developed by Roger L. Greene, PhD and PAR Staff

Ctient Information

Name:

Nathaniel Edwin Jackson

Age:

29 Male

Gender: Marital Status:

Never Married

Birth Date :

Admin. Date:

6/10/2001

The interpretive information contained in this report should be viewed as only one source of hypotheses about the individual being evaluated. No decisions should be based solely on the information contained in this report. This material should be integrated with all other sources of information in reaching professional decisions about this individual. This report is confidential and intended for use by qualified professionals only. It should not be released to the individual being evaluated.

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MMPI-2 Adult Interpretive System cca Nathaniel Edwin Jackson Page:2

PROFILE MATCHES AND SCORES FOR STANDARD VALIDITY AND CLINICAL SCALES

			Best Fit
		Client's	Prototype
	Scale	Profile	Profile
Codetype	:	Spike 4-(2)	Spike 4-(2)
rc:		0.848	0.848
D2:		400	400
	L	70+	56
	F	51	51
,	K	56	51
	1 Hs	45	49
	2 D	59	60
	3 Hy	47	52
	4 Pd	74	72
	5 Mf	42	43
	6 Pa	42	50
	7 Pt	55	51
	8 Sc	56	49
	9 Ma	47	49
	0 Si	47	50
Mean Clir	nical		
Elevation		53	53
Scatter:		10	10
Client Ag	e:	29	34
Men (Per		X	80%
Women (Percent):		20%

MMPI-2 Adult Interpretive System cca Nathaniel Edwin Jackson Page:3

CONFIGURAL VALIDITY SCALES INTERPRETATION

There is no interpretation available for this configuration of the L, F, and K scales. The validity of this administration of the MMPI-2 will need to be ascertained by reviewing these three scales individually as well as other measures of consistency and accuracy of item endorsement.

CONFIGURAL CLINICAL SCALES INTERPRETATION

Codetype: Spike 4-(2)

CLINICAL PRESENTATION:

Moods

He reports mild emotional distress. Although life is not a strain for him and he is happy most of the time, he wishes that he could be as happy as others seem to be, and he thinks that he has not lived the "right kind of life." He also feels useless at times. That is, there are undercurrents of a chronic dysphoria that he may not recognize.

Cognitions

He thinks clearly and rationally and reports good insight into his behavior. His memory and concentration skills are very good. His confidence and assurance in his abilities may be a facade for underlying feelings of insecurity, inadequacy, and dependency. Criticism or scolding bothers him greatly.

Interpersonal Relations

He is extraverted and makes a good first impression on others, but this impression does not last long. His interpersonal relations are often shallow and superficial. These relations typically are not reciprocal and are marked by distrust, a lack of empathy, and irresponsibility. His family is critical of him, and he is alienated from them. He wanted to leave home.

Other Problem Areas

He is very likely to abuse substances. He is very likely to have engaged in antisocial

MMPI-2 Adult Interpretive System

cca

Nathaniel Edwin Jackson

Page:4

behaviors during his school years and to continue to engage in reckless behaviors that may or may not be explicitly illegal. He believes that he is in good physical health and that he is as able to work now as he was in the past. He is unlikely to have suicidal ideation.

TREATMENT:

His prognosis is guarded unless treatment begins early in his life. He is experiencing little emotional distress, and he expects others to change to meet his expectations. He is not inclined to undertake any serious examination of his behavior. Short-term, behavior interventions focused on his reasons for entering treatment will be most effective.

POSSIBLE DIAGNOSES:

Axis I - R/O Adjustment Disorders

309.0 Adjustment Disorder with Depressed Mood

309.3 Adjustment Disorder with Disturbance of Conduct

R/O Mood Disorders

292.84 Substance-Induced Mood Disorder

300.4 Dysthymic Disorder

311 Depressive Disorder NOS

R/O Substance-Related Disorders

305.00 Alcohol Abuse

305.40 Sedative, Hypnotic, or Anxiolytic Abuse

Axis II - R/O Personality Disorders

301.7 Antisocial Personality Disorder

301.81 Narcissistic Personality Disorder

VALIDITY AND CLINICAL SCALES

VALIDITY SCALES

L T = 70

He may be either a normal individual who is very self-controlled, rigid, and lacking in insight; a person who uses excessive repression and denial; or a naive and unsophisticated individual who is attempting to create a very favorable impression of himself. Psychiatric patients who score in this range and have all clinical scales below a T score of 65 may exhibit a psychotic disorder.

F T=51

MMPI-2 Adult Interpretive System cca Nathaniel Edwin Jackson Page:5

He responded to the test items as do most individuals who are relatively free of stress.

K T = 56

He exhibits an appropriate balance between self-disclosure and self-protection. He is psychologically well-adjusted and capable of dealing with problems in his daily life. Scores in this range also are indicative of good ego strength, sufficient personal resources to deal with problems, a positive self-image, adaptability, and a wide range of interests. Prognosis for psychological intervention is generally good.

CLINICAL SCALES

 $1 \, \mathrm{Hs} = 45$

This score is considered to be within normal limits.

2D = 59

He is not satisfied with his current life situation or with himself. He may not be aware of the degree to which he feels dissatisfied, or he may have learned to adjust to long-term dissatisfaction. Persons experiencing acute distress will rarely score within this range.

3 Hy = 47

This score is considered to be within normal limits.

4 Pd = 74

He is characterized as angry, belligerent, rebellious, resentful of rules and regulations, and hostile toward authority figures. He is likely to be impulsive, unreliable, egocentric, and irresponsible. He often has little regard for social standards. He often shows poor judgment and seems to have difficulty planning ahead and benefiting from his previous experiences. He makes a good first impression, but long-term relationships tend to be rather superficial and unsatisfying. Analysis of the Content Scales and/or the Harris-Lingoes Subscales may facilitate interpretation of scores within the lower end of this range (T scores 60-80).

5 Mf = 42

He identifies strongly with the traditional masculine role. He may overemphasize his strength and physical ability.

MMPI-2 Adult Interpretive System

cca

Nathaniel Edwin Jackson

Page:6

$$6 Pa = 42$$

"He may be overly trusting and insensitive to and unaware of the motives of other people.

7 Pt = 55

This score is considered to be within normal limits.

8 Sc = 56

This score is considered to be within normal limits.

9 Ma = 47

Scores in this range are considered to be within normal limits. Adolescents and college students tend to score in the upper end of this range (T scores of 54-57). Persons older than 55 years who score in the upper end of this range are likely to be overly energetic and active.

0 Si = 47

This score is considered to be within normal limits.

+++ END OF REPORT +++

Basic Scales REGENTS OF THE UNITED STATES OF THE UN	IVERSITY OF UNIVERSIT Box 1416, M	F MINNESOT Y OF MINNE Minnespolls, M	ra. All rights SOTA. All ri AN 55440. 8	reserved. Ights reserv 00-827-727	Copyright C red. Distrib 71 www.nc	1942, 194 ulad exclus	3 Ively				Edu	upationcationcation	CCO Age 29 Marital Status	Tested <u>J /25 / a</u>
Tor To L	F	к	Hs+5K	D 2	114	Pd+.4K	MI B	Pa B	PI+IK 7	Sc+IX	May.2K 9	Si O T or To	Scorer's Initials	
128 — MA 115 — 100 — 15 — 15 — 15 — 16 — 16 — 17 5 — 16 — 17 5 — 16 — 17 5 — 16 — 17 5 — 16 — 17 5 — 16 — 17 5 — 16 — 17 5 — 16 — 17 5	15— 15— 16— 16—	25—	35	55 — 55 — 55 — 55 — 55 — 55 — 55 — 55	50 —	45	55	20	55 —	55	25—	55	L Lie 70 F Infraquency 51 K Correction 51 Hs Hypochondriells 45 Hy Conversion Hysteria 47 Pd Psychopathic Deviate 47 M Masculinity Familianity 41 Pa Paranola 40 Pt Psychaethenia 35 Sc Schizophrenia 54 Hypomania 47 Si Social Introversion 47	
T or To		V	Hs+.5K	0	14v	Pd+.4K	M	Pa	Pi+IK	Sc+IK	Ma+2K	SI T or To		



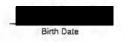
Softcover Answer Sheet Hand Scoring

DIRECTIONS:

Please follow these directions when completing the identification areas on this page and responding to the MMPI-2 items on page 3.

- Print your name, birth date, age, sex, and test date in the area to the right.
- Use a pencil only and fill in the circles on page 3 with heavy, dark marks.
- If you make a mistake or change your mind, erase your first response completely and then fill in the correct circle.
- 4. Do not make any marks outside the circles.

JACHSON NATHANIEL ENJIN







5 /25/-0



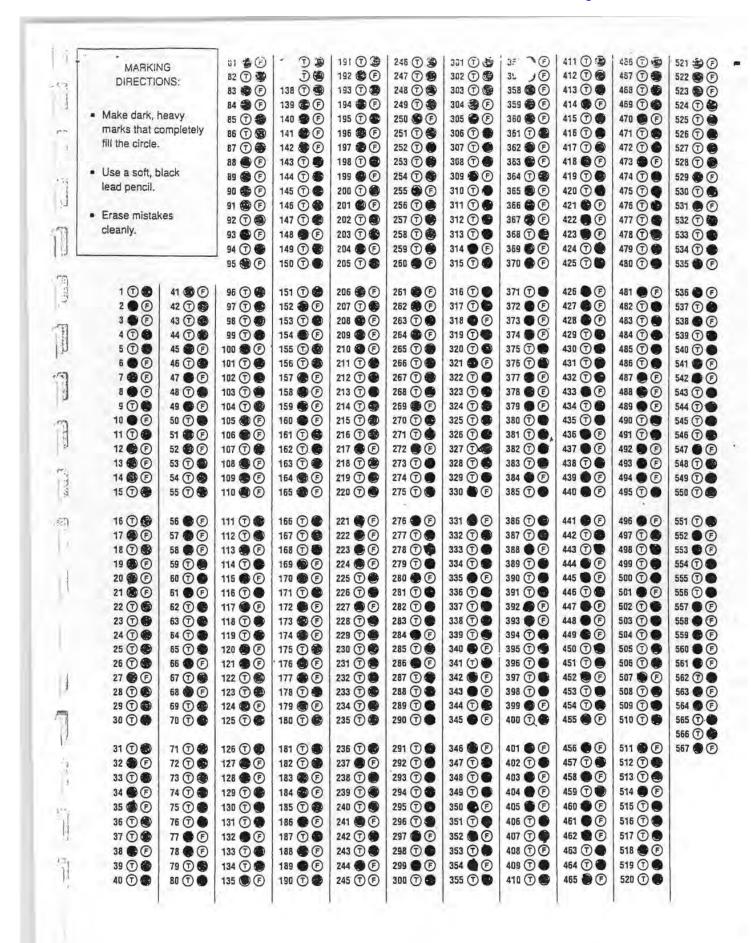
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National Computer Systems P. O. Box 1416 Minneapolis MN 55440 1-800-627-7271 www.ncs.com

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Product Number 24018



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7	
1/20	DISCHARGE SUMMARY
Ĭ.,	NAME: Nathaniel Jackson RECORD#:
J	DISCHARGE DATE: 3-20-000 DISCHARGE STATUS: W. S. A.
	PROGRAM: 5706.11 Z.04.001 REFERRAL SOURCE: 5016
	DIAGNOSTIC IMPRESSIONS AXIS I 304.20 CALACTE SEP. 303.20 Alcuhol Dep. 304, 30 CAMARIS Dep. AXIS II 999.9 alexented AXIS III ASTAMA Self reported
	AXIS II 199.9 alexensed AXIS III DSTAMO Self reported AXIS III DSTAMO Self reported AXIS III DSTAMO Self reported
	AXIS V GUARINE GAF 4)
Windows - W	IDENTIFYING DATA: This DE year old reference American make, was self referred This DE year old reference of Commons and sucames Nos A to state one to Daily use of Commons and sucames Nos A stary of their prior toperaturates one in 98 and two in 99. Reports we astrony of their prior toperaturate. Nos been using chemical since age osyth. history one toperaturate. Nos been using chemical since age
	CLINICAL SUMMARY: Note was in state adventional program ing. He was also individual jung and adventional program ing. He was also introduced to self kelp support goods of Anjunfon. He completed state with complication.
	DISCHARGE INFORMATION: Of Abstrain from pll med Atkning chemicals of Abberd At lepst 3 Ad/No/co meetings per front. & Koup Applaint ment of possible one 3/23/00
	Counselor Signature This information has bear Date and you from them them the protected by Seeman 2 months of the confidentiality is protected by Seeman 2 months of them them them them the protected by Seeman 2 months of the confidentiality is protected by Seeman 2 months of them. Physician Signature
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į ii	NEIL KENNEDY OVERY CLINIC CLIE : 200457 LEVEL OF CARL AS SSMENT CLIENT IN MBEI Nathaniel Jackson
J	Date: 3/8/00
lie.	Placement Recommendations
	RESIDENTIAL:DetoxRehabTONStabilizationDiversion
SII.	OUTPATIENT:Partial HospR-IOPCO-IOPKAR-IOP
()}	Assessment OnlyOther
	CRESTWOOD:A-IOPD-IOPE-IOPAdolescent L/I Group
1	Adult L/I GroupL/I IndividualAdolescent Ed. Grp.
71	Diagnostic Impressions
Company	Axis I (Primary Diagnosis) 304. 20 cocaine dependent
1	Axis II (Personality MR) Ferr. 799.9 defence
	Axis III (Physical) Asthma- hope curent
T	Axis IV (Psychologo stress) homelers; relationship; fruit life sty
73	Axis V (Adaptive functioning): Current GAF: 45
	DSM IV Criteria Met: Dependence: of 7 (Minimum 3 necessary for Dx) Abuse: of 4 (Only 1 necessary for Dx)
	Case Mgmt. Services Needed: 120dhar
T	Assessment Counselor: Alanna Jon a ceoco Lan
7	Diagnostic Counselor or and June Cocum MS isca
Ü	Revised 7-99 Re
\$ d	The section of disclosific contracts for a feet and the section of disclosific contracts for a feet and feet an
	E 3

	NEIL KENNEDY , VERY CLINIC CLIEF E:
	LEVEL OF CARE ASS_SSMENT CLIENT NUMBER:
	Frequency that alcohol/drugs used more or for longer period than intended? Very often Occasionally Seldom Never
	4 Persistent desire or unsuccessful efforts to cut down/control use? Yes _No
	5 Great deal of time spent using, procuring, recovering from use?YesNo
	BIOMEDICAL CONDITIONS: 1 2 3 4 5 6 7 8 9
	High Blood PressureHeart DiseaseDiabetesLiver Disease
	Recent Weight Change Disabilities/Impairments Other (describe)
	Asthma - no current problems. Bullets
	Recent accidents/injuries? here reputy leg
	Current medications including nearhotagains:
	Name Condition Dose Frequency Last Dose
	This information has been disclosed to you from it. This information has been disclosed by Federal Living Mose continued to the continue to the projected by Federal Indiana the specific Federal regulations (420FR part 2) projected for the projected party turber disclosure of it without the specific Federal regulations are turber in portains, or as
	Federal matther disclosure of it without the promit contains, or see
	chervise partition of the release of medical of outside the release of medical of outside the release of the re
	Information is the property of the second and the property of the second and the property of the second and the
	Comments: West to but when the construction of
	has borrowed prothers a couple time
	EMOTIVE/BEHAVIORAL CONDITIONS: (1) 2 3 4 5 6 7 8 9
	Existing/prior psychiatric condition of diagnosis?
	Psychiatric hospitalizations (data & treatment results)
	Any suicidal/homicidal thoughts or gesturesPastCurrent
	denies past or ament illention
	Any recent, major losses or past emotionally traumatic experiences?
	stated on last assessment - could
	Not remember who - stated brain al
5.7	toire up "from druguse

	CLIET N. JE:
5.1	LEVEL OF CAL AS SSMENT CLIENT. MBER:
7	RELAPSE POTENTIAL: 1 2 3 4 5 6 7 8 9
715	Knowledge of or ability to avoid environmental triggers (people, places, things) _Good Poor _?
F	Openness to AA/CA/NA involvementEagerWillingHesitantResistant
1.1	Any prior 12-step involvement? Went to a couple aghe vict harvest
11)	Primary weaknesses/barriers to maintaining abstinence (preoccupation, people, environment, etc.)
2. 2. 3 2. 2. 3 2. 2. 3	Primary strengths/assets that can help maintain abstinence and complete treatment objectives? Assets relativesty - these of where
	Longest abstinence from all mood altering chemicals? When?
1-11	Comments: 5/2 yrs in prisa 3hor OH, 1h89-
	Awent domagain 96 - 8 mme mo. Amp he snaps temper-goes all the out RECOVERY ENVIRONMENT: 1 20 3 4 5 6 7 8 (9) State
闹	Present home environment: _Stable _Supportive _Contentious _Chaotic _Unsafe
j	Exposure to alcohol/drugs in the home (presence of or usage) has been drugting temper
(30)	Person (s) client is willing to involve in treatment: Alouna gil friend his
1	Exposure to drugs/alcohol in _Social _Work _School environments
10	Currently exposed to or at risk ofPhysicalEmotionalVerbalSexual Abuse
1	Pass/Current legal problems? More current 1996 - CCW harries
1 1	Currently on probation/parole? No Yes weapon while disability
7	CurrenCurrent life stressors: _Family _Marital/Relationship _Work _Friends _Legal
	Problems/Barriers that may impact ability to attend/participate in recommended treatment of the Transportation Child Care Disability Other
E:4	Comments:
	Tests in the second of the sec
13.	The Footer Rules restrict and the second of
1,7	

Neil Kennedy Recovery Clinic Level of Care Review 200457 Nathaniel Jackson Chent Case No. Client Name ___City, State, Zip ____ New Phone No New Address New Revenue Source Date of Change Change in Tx Lovel_ Date of Change Reopen Case # Other Change (specify) Diagnosis Code Type of Discharge: AZW Date of Discharge Case C. Goals Met - No Add" Svcs Needed A. Case Closed w/ Referral to AD Tx B. Case Closed w/ Referral to Aftercare Disposition D. Needed Services not Available F. Client did not return E. Client Rejects Continuation H. Client Died I Other G. Client Moved Treatment Plan Review ncham 200451 Review # Anticipated Transfer/Dischary On: 3 /20/00 To: Tx Plan Recommendations: ____ Treatment Plan(s) Reviewed; current Plan(s) Appropriate Treatment Plan Modification Required, See Updated Waster Treatment Plan Additional Treatment Plans /Objectives Required Dimension 1. Issorication / Withdrawal CETSTOL CENTER Dimension 2: Biomedical Conditions this purpose. This I myestigate of Dimension 3: Emotional / Behavior Dimension 4: Treatment Acceptance / Resistance Dimension 5: Relapse Potential frmeless -Dimension 6: Recovery Environment Chiest meets DSM IV criteria for Substance Abuse or Dep. Yes No. Compelor/Reviewer Signature & Credentials: Others Present:

MICRC 1094

NEIL KENNEDY RECGYL .Y CLINIC	CLIENT NUMBER:	200457 Nathaniel Jac
CLIENT PROBLEM AND TREATMENT PLAN LEVEL OF TREATMENT (at the time of the STABILIZATION)		
PROBLEM DESCRIPTION: Clast in	tweet in your	tra
Date of problem identification: 3-1)-00 How was the problem identified:		
CLIENT RESOUR	The state of the s	
Strengths (to help solve the problem) Wea	knesses (that hinder problem	
with the privilege	trong of doch	7 follow
EXPECTED DATE WHEN THE BEHAVIOR CHANG		
EXPECTED DATE WHEN THE BEHAVIOR CHANG WHAT WILL THE CLIENT DO TO ACHIEVE (objectives):		ANGE
WHAT WILL THE CLIENT DO TO ACHIEVE (objectives): DATE ID:	THIS BEHAVIORAL CH	TE DATE
WHAT WILL THE CLIENT DO TO ACHIEVE (objectives): DATE ID:	THIS BEHAVIORAL CH	
WHAT WILL THE CLIENT DO TO ACHIEVE (objectives): DATE ID: 1) In individual counseling discuss 3-4	THIS BEHAVIORAL CH	TE DATE
WHAT WILL THE CLIENT DO TO ACHIEVE (objectives): DATE ID: negative consequences of chemical use.	THIS BEHAVIORAL CH	TE DATE
WHAT WILL THE CLIENT DO TO ACHIEVE (objectives): DATE ID: 1) In individual counseling discuss 3-4 negative consequences of chemical use. 2) Eat 3 balanced meals a day and	THIS BEHAVIORAL CH	TE DATE
WHAT WILL THE CLIENT DO TO ACHIEVE (objectives): DATE ID: 1) In individual counseling discuss 3-4 negative consequences of chemical use. 2) Eat 3 balanced meals a day and sleep throughout the night.	THIS BEHAVIORAL CH	TE DATE
WHAT WILL THE CLIENT DO TO ACHIEVE (objectives): DATE ID In individual counseling discuss 3-4 negative consequences of chemical use. 2) Eat 3 balanced meals a day and sleep throughout the night.	THIS BEHAVIORAL CH	TE DATE
WHAT WILL THE CLIENT DO TO ACHIEVE (objectives): DATE ID 1) In individual counseling discuss 3-4 negative consequences of chemical use. 2) Eat 3 balanced meals a day and sleep throughout the night.	THIS BEHAVIORAL CH	TE DATE
WHAT WILL THE CLIENT DO TO ACHIEVE (objectives): DATE ID 1) In individual counseling discuss 3-4 negative consequences of chemical use. 2) Eat 3 balanced meals a day and sleep throughout the night.	THIS BEHAVIORAL CH ENTIFIED COMPLE 7 - 00 3 - Reservor for the complete of th	TE DATE
WHAT WILL THE CLIENT DO TO ACHIEVE (objectives): DATE ID 1) In individual counseling discuss 3-4 negative consequences of chemical use. 2) Eat 3 balanced meals a day and sleep throughout the night.	THIS BEHAVIORAL CH	TE DATE

IN THE COURT OF COMMON PLEAS TRUMBULL COUNTY, OHIO

STATE OF OHIO,

Plaintiff, : Case No. 01-CR-794

-vs-

NATHANIEL JACKSON, :

Defendant.

EXHIBIT ____

AFFIDAVIT OF PAULINE KORNEAGAY

STATE OF OHIO

SS:

COUNTY OF MAHONING:

Pauline Korneagay, after being duly sworn according to law, states as follows:

- 1. I am the mother of Nate Jackson.
- I have lived with Raymond Dickerson for the past twenty years.
- 3. Nate was not a behavior problem when he was a kid. However, he often failed to attend school and when he did he talked back to the teachers. I told him that he should go to school, but he would not listen. I never knew that he pushed a teacher down the steps.
- Nate was close to his real dad Charles Paige who died recently. Nate was also close to his sister, Tausha.
- Nate lived with his grandmother for a while because he was too unruly to live with me. His grandmother would often talk to him about his behavior.
- 6. After Nate became an adult he started hanging around with drug dealers and users.

EXHIBIT 49

PAULING KORNEAGA

- Nate had to go to a doctor because someone broke his jaw when he tried to break into someone else's house.
- 8. Nate lived where he could once he became addicted to crack. Family members would not let him stay with them because he would steal from them to support his habit.
- 9. I had to put locks on our two deep freezers because Nate would steal meat from the house and sell it to get drugs. I also had to put locks on our bedroom door. Nate stole the license plate off my car. I bought my mother a rose and Nate stole the rose.
- 10. Nate was close to his children. However his crack problem got so bad that he stole his son's clothes as well as the mother's car.
- After Nate became an adult, I would have problems with him and have to call the police.
- 12. Nate was with Donna for about two years. I tried to warn him about Donna but he would not listen to me. Donna provided him with money, clothes and drugs. Nate enjoyed the lifestyle and he saw no reason to change.
- 13. I did not hear from Nate's attorney until I went to the courthouse to testify. I met the attorneys in a room at the court house. They asked me questions about the facts of the case. They asked me very different questions when I testified. I never heard from the attorney again. If asked I would have told the jury the facts in this paper.

Further affiant saith naught.

PAULINE KORNEAGAY

Sworn to and subscribed in my presence this 8 day of December, 2003.

XUYSICA JUSTON

OTARY PUBLIC



JESSICA H. LOVE NOTARY PUBLIC, STATE OF OHIO MY COMMISSION EXPIRES NOVEMBER 22, 2008

IN THE COURT OF COMMON PLEAS TRUMBULL COUNTY, OHIO CASE NO. 01-CR-794

STATE OF OHIO,

Plaintiff, : Case No. 01-CR-794

-VS-

NATHANIEL JACKSON, :

Defendant.

EXHIBIT ____

AFFIDAVIT OF TAUSHA KORNEAGAY

STATE OF OHIO

SS:

COUNTY OF MAHONING:

Tausha Korneagay, after being duly sworn according to law states as follows:

- I am the sister of Nate Jackson.
- Nate and I lived with our grandmother when growing up. Her house was right next door to my mother's house. I began living with my grandmother when I was in elementary school.
- 3. Nate did not do well in school. He dropped out in the eleventh grade. He was sent to Stambaugh Middle School because he would not listen to his teachers and he would talk back to them.
 - Nate once got beat up by some guys who broke his ribs.
- 5. Nate would steal anthing to get money for his drug habit. My mom put a lock on the freezer to keep him from stealing food. She also kept her bedroom locked. Nate did not sell drugs, he just used them.

EXHIBIT 50

TK

- Someone shot at Nate and hit him with a bullet. Nate said he stole something from the guy who shot him.
- 7. Nate has a daughter. They are real close. The mother of his daughter left him because he was a drug addict. He also has a son. The mother of his son is a drug addict.
 - 8. Nate was living on the street because of his addiction.
- Kevin Perry and I tried to get Nate help for his drug problem. We got him into
 Bellmont Drug Treatment Center when he dropped out after two weeks.
- 10. Nate seemed really happy after he met Donna. She bought Nate drugs and nice clothes. Donna let Nate drive real nice cars. She gave him whatever he wanted. Nate was impressed by her.
- 11. Nate was real impressed with Donna's status. I felt that there was something wrong with Donna but I did not tell Nate.

Further affiant saith naught.

MARCH ZOUTE

Sworn to and subscribed in my presence this 6 da

8 day of December, 2003.

NOTARY PUBLIC

TAUSHA KORNEAGAY



MESSICA H. LOVE MOTARY PUBLIC, STATE OF OHIO IN COMMISSION EXPIRES NOVEMBER 22, 2018

IN THE COURT OF COMMON PLEAS TRUMBULL COUNTY, OHIO

STATE OF OHIO,

Plaintiff, : Case No. 01-CR-794

-VS-

NATHANIEL JACKSON,

Defendant.

EXHIBIT

AFFIDAVIT OF ANTHONY KORNEAGAY

STATE OF OHIO

SS:

COUNTY OF MAHONING:

Anthony Korneagay, after being duly sworn according to law, states as follows:

- 1. I am the brother of Nate. I am six years younger than Nate.
- Nate and I grew up in a rough neighborhood. We often heard gunshots. It was tough to go out and play. The neighborhood is better now.
- 3. When Nate got older he got addicted to drugs. He used to stay out with Shawn and Mike Rushton. They are now in jail. Some of the guys he used to stay out with are now in jail. Nate carried drugs for the dealers.
- 4. After Nate got addicted, he stole from everyone, including his family. Nate stole from so many people that they used to walk up to me and tell me that they were going to kill Nate. My family had to leave our house at times because there were so many threats from people he stole from.

anthony Korneagoy

- 5. When Nate would get high he would not get mean. He might get mad, but he would just cuss you out. Nate was afraid of me. I had beat him up. Nate never carried a gun. He was afraid of guns. I never saw Nate hurt anyone to get drugs. He was a thief and addict, not a murderer.
- 6. I used to smoke weed and I have spent some time in jail. I made a change in my life. I do not know why Nate did not change. The Court once told him to get drug treatment. It did not help his problem.
- 7. I saw Nate around Donna Roberts. She gave him money, drugs and other stuff. This made Nate feel real good. There was something about Donna that was just not right. If contacted I would have been willing to testify for him and give the jury the information contained in this paper.
 - 8. I was never contacted by Nate's attorneys at the time of his trial.

 Further affiant saith naught.

Anthony Korneagay 3-8-04
ANTHONY KORNEAGAY

Sworn to and subscribed in my presence this aday of Decemb

NOTARY PUBLIC

#191152

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JESSICA H. LOVE NOTARY PUBLIC, STATE OF OHIO MY COMMISSION EXPIRES NOVEMBER 22, 70

IN THE COURT OF COMMON PLEAS TRUMBULL COUNTY, OHIO

STATE OF OHIO,

Plaintiff, : Case No. 01-CR-794

3-

NATHANIEL JACKSON, :

Defendant.

EXHIBIT

AFFIDAVIT OF RAYMOND DICKERSON

STATE OF OHIO

: SS:

COUNTY OF MAHONING:

Raymond Dickerson, after being duly sworn according to law, states as follows:

- I am a long time friend of Nate's mother and I have lived with her for about twenty years.
- Nate was never very good about listening to me. I quit trying to tell him what to do because he would not listen.
- Nate started hanging with the wrong people. He used to be close to Shawn and Mike Rushton. They are now in jail.
 - 4. Nate started living on the streets when he got hooked on crack.
- 5. Nate started hanging with Donna Roberts. She used to give him drugs and money. She let him drive big, new cars. I knew that something was wrong with Donna but Nate would not listen to me.

R.D.

EXHIBIT 52

- 6. I was with Nate's mom when we heard about his arrest. It really surprised us because Nate was not violent. Pauline and I were so upset that we went out and got drunk.
- I first talked to Nate's attorney when I came to court to testify. The questions
 they asked me before testifying had nothing to do with what they asked me in court.

Further affiant saith naught.

Raymond Dickerson

Sworn to and subscribed in my presence this day of December, 2003.

VOTARY PUBLIC

JESSACA H. LOVE
RESTORY PUBLIC, SENTE OF ONO
BY COMMISSION EXPINES NOVEMBER 22, 2008

IN THE COURT OF COMMON PLEAS TRUMBULL COUNTY, OHIO

mm A	-	A 75	ATT	-
V I A	144	(14	()	1
STA	LL		CHI	

Plaintiff,

Case No. 01-CR-794

-VS-

NATHANIEL JACKSON,

Defendant.

EXHIBIT

AFFIDAVIT OF KEVIN PERRY

STATE OF OHIO

: SS:

COUNTY OF MAHONING:

Kevin Perry, after being duly sworn according to law, states as follows:

- I am the fiancée of Nate Jackson's sister, Tausha Korneagay. I have known Nate for a number of years.
 - 2. For as long as I have known Nate, he never had any contact with his real dad.
 - 3. Nate does not have a good relationship with his mother.
- 4. Nate's mother never showed any love for him. She gave all her love to her son

 Tony. She never wanted to have anything to do with her other children. This hurt Nate real bad.
- Nate's mother is a binge drinker. When my fiancée was about to deliver her child, Nate's mother showed up drunk at the hospital.
 - 6. I learned that Nate's mother previously shot someone.
- Nate and his sister Tausha lived for a number of years with their grandmother because their mother was not a good mother to them.
- Nate's stepfather Raymond Dickerson was not there for Nate. He drinks and does not hold down jobs. He disappears for weeks.
 - Nate did not have a person in his life who acted like a father.

KP

- 10. Nate is very close to his sister, Tausha. She has been the only person there for him.
- 11. Nate has had a drug problem all the time that I knew him. He uses crack. Nate wanted to get off crack, but for the wrong reasons. It was always to please others, but not to help himself.
- 12. Nate always wanted people to think that he was a tough guy, but he never really was. Nate used to tell people he was a "crip" and his brother was a "blood". This was just Nate bragging. Members of the same gang could not live in the same house. Nate was neither tough nor a drug dealer.
- Nate was never good at picking up women. He always seemed to pick the wrong ones.
 - 14. Donna Roberts took advantage of Nate. She used to give Nate stuff he never had.
- 15. I never talked with Nate's attorney at the time of trial. If they had subpoenaed me I would have come to court and testified to the facts in this paper. Nate is not a killer.

Further affiant saith naught.

KEVIN PERRY

Sworn to and subscribed in my presence this

day of December, 2004.

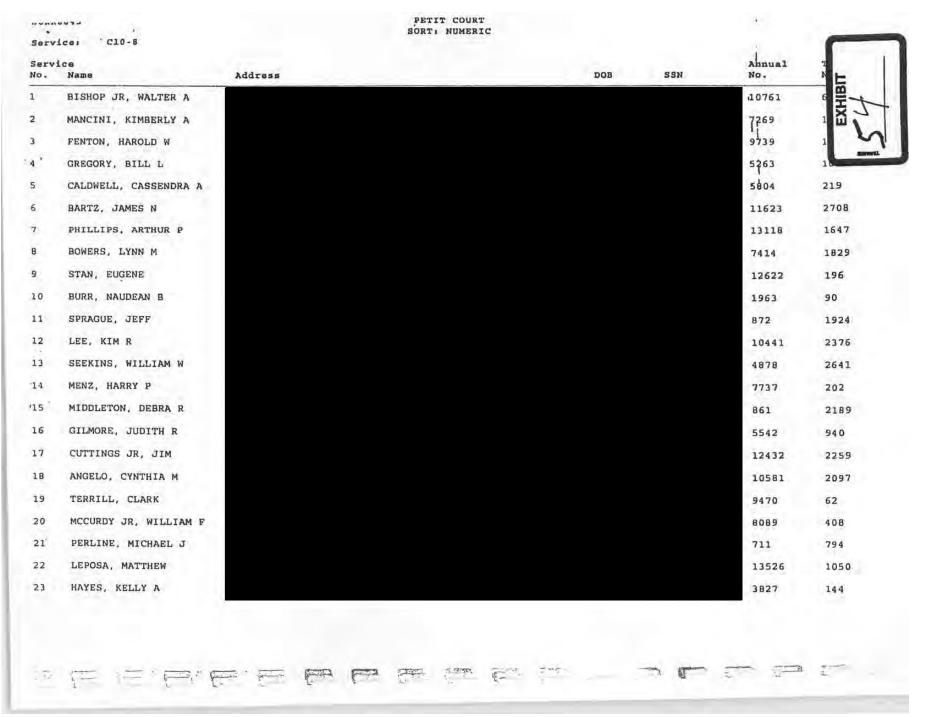
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JESSICA H. LOVE NOTARY PUBLIC, SHITE OF GIND ON COMMISSION ENPIRES HOVEMBER 22,72008

Case: 4:07-cv-00880-JG Doc #: 47-15 Filed: 07/14/17 79 of 186. PageID #: 12898



Case: 4:07-cv-00880-JG Doc #: 47-15 Filed: 07/14/17 80 of 186. PageID #: 12899

Sarvi	ce: C10-8		SORT: NUMERIC				
Servi		Address		ров	SSN	Annual No.	Term
24 '	BUTCHER, GUY B	AUGI SOS		202	200	5295	235
25	RICHARDSON, DAMIAN					5467	1751
26 '	KEEN, DAVD J					9639	2369
27 1	GOLLAN, LORI C					10155	16
(28)	MILLER, BONNIE Q					10373	1780
29	JETHROE, JAMES A					12277	373
30	FALATIC, BETTY M					3875	1235
31	MILES, RAYMOND L					11892	1517
(32)	BRACKEN, JENNIFER R					1281	2128
33	KACZMARK, JACK M					2643	125
34	HEDRICK, RENE M					1140	314
35	DESANTIS, ANGELA M					12428	1443
36	LUTHER, MICHELLE D					7174	2475
37	SANFREY, CONNIE L					6148	492
138 1	SCHARBA, RICHARD D					12356	2301
39	DICKERSON, JERRY L					5539	541
40	BARTLOMAIN, JOSEPH V					3865	2367
41	STEIN, CARL E					10615	2670
42	LATRONICA, DIANE L					2465	2027
43	BAYTOS, REBECCA A					6424	399
44	GORE, COURTNEY					3752	435
45	EGBERT, JASON					4479	1567
46	POSPISIL, LINDA S					8300	951

Case: 4:07-cv-00880-JG Doc #: 47-15 Filed: 07/14/17 81 of 186. PageID #: 12900

Serv.	ige: 'C10-8		SORT: NUMERIC			190	
Serv:		Address		DOB	SSN	Annual No.	Term
47 '	LOYCHIK, R E					10049	490
48 '	KUBIAK, ROBERT A					10082	1339
49	CRANK, MARSHA					649	1234
50	HALL, BRIAN					1,0361	1330
51	ZDUNIAK, FLORENCE					9495	1015
152	DAVIS, ROSE I					1054	1622
53	MILLER, JOSEPH L					11524	1283
:54 '	HELMUTH, ERVIN E					11677	1792
'55	KIDWELL, KENNY K					79	2595
56	SWANSON, CAROL J					6640	577
57	MENOLD, MARLENE R					6015	524
158	SMITH, LUCILLE M					10484	385
59	LANHAM, GILBERT J					4918	1906
60	SANDERS, JAMES E					10738	1265
:61	SOLLITTO, CAROL F					1453	277
62	TORRES-REEP, PAULA L					9853	64
63	TAKAT-MURPHY, SHERRIE L					7502	1385
64	VISLOSKY, ELAINE P					13972	2222
65	ROGERS, HAROLD					11640	223
66	DAVIS, CAROL N					13296	2264
.67	DELBENE, SANDRA L					8824	1673
68	MCCULLOUGH, MARILYN M					6758	1913

Time: 09:52:13 ,... JURR8045 10/08/2002 TO 11/22/2002 PETIT COURT SORT: NUMERIC

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No.	Name	Address	ров	SSN	Annual No.	No.
69	PADEN, MARGARET E				8963	2058
70	TIGERT, CAROL A				10166	2282
71 '	SHEPHERD, GREGORY				13500	545
72	ARNAUT, CAROL A				7846	2599
73	CHEHOVITS, K D				10535	2582
74	MELIDONA, GRACE J				9905	968
75	WAGGONER, DAWN				1911	1671
761	GLOSSER, RALPH W				2073	2726
77,)	DRAGHI, SUSAN D				938	14
787	SAMMARONE, CHRISTOPHER				11996	381
79	SCHOONOVER, DANNY				2749	2046
1 08	JOLTIN, SHELLEY				8746	288
81	GABRIELE, PATRICK E				11846	1582
82 1	SEIFER, MARY E				6145	1098
831	ZAP, LINDA J				1194	2115
84)	RIDGEWAY, PENELOPE				11239	414
85	MENDENHALL, CHARLES F				7673	2078
86 '	STOIAN, ELISABETH				10423	2116
87	MCCALE, TAMMIE				4294	2326
88	WINTERS, RODERICK N				9036	2312
89	WILKERSON, RICHARD				1361	750
90	MILLER, JUDITH D				13003	1226
91	GLESS, JEREMY A				10936	83

Time: 09:52:13 JURR8045 10/08/2002 TO 11/22/2002 'PETIT COURT SORT: NUMERIC

Service: C10-8

Servi	ce Name	Address	DOB	SSN	Annual No.	Term No.
92	HAUN, RAY G				10163	1143
3.	MOWATT-LARSSEN, COURTNEY				FN 04	2106
94	SHIVELY, LARRY B				5227	382
5	BOYE, PAULINE R				12997	1206
96	MENTEN, MARY A				4165	306
7	BEIL, LINDA L				6270	565
8	MOORE, JOHN D				9500	290
9	TODA, KAREN M				5398	146
00	STRINGER, AUDREY				3056	1510
01	PITTS, HILDA G				13100	527
02	GAYDOSH, DEBRA				11013	272
03	ISOM, MONICA				10468	985
04	RANKIN, GRACE E				10355	2068
05	HENRY, ORRIN E				2785	939
06	CROYTS, JENNIFER D				2829	302
07	THURBER, MARILYN M				4452	809
.08 '	TOTO-BINION, CARMELA D				7059	1654
09	ROOK, RAYMOND R				5202	1427
110 .	OPRITZA, MARY				5634	18
111	RAFFERTY, BRIAN				8640	2743
12	DAVIS, BRIAN A				4335	1167
113	STEWART, WILBUR E				9777	40
114	COX, JACQUELINE K				6047	803

Case: 4:07-cv-00880-JG Doc #: 47-15 Filed: 07/14/17 84 of 186. PageID #: 12903

Time: 09:52:14 JURRB045 10/08/2002 TO 11/22/2002 PETIT COURT SORT: NUMERIC

Service: C10-8

Servi No.	Name	Address	DOB	SSN	Annual No.	Yerm
115	KAPPAS, DEAN D			1 = 1	12530	1848
116	SANCHEZ, LILLIAN				5165	1607
117	OSIPCHAK, RICHARD D				1837	2086
118	BURAN, JOSEPH J				8699	2083
191	SMITH, ALFREDA W				3544	2594
201	MILLER, E G				10642	201
21	REESE, TRISHA A				4890	218
221	PALKO, HELEN				2644	333
23 1	LYKINS SR, DONALD R				9159	179
24	SIMKINS, RICHARD L				12042	246
25	GRAY II, MICHAEL D				7086	199
26	GARLITZ, BEVERLY A				6904	188
27 '	AMORGIANOS, GEORGE N				5947	118
28	AIRHART, CHRISTINE				5293	177
29	HITCHINGS, THOMAS R				4956	453
30	DEJOY, KATHY A				8476	153
31	SIMMONS, JENNIFER A				7969	120
132	FLASK JR, JAMES H				7318	192
133	BISSELL, BARBARA J				10848	141
34	DRUMMOND, SALLY A				13114	229
35	RUBINS, EDWARD E				13388	262
136	PAPPA JR, FREDERICK J				550	248
137	HOFFMAN, NANCY H				11064	220

Case: 4:07-cv-00880-JG Doc #: 47-15 Filed: 07/14/17 85 of 186. PageID #: 12904

Time: 09:52:14 . JURR8045 . 10/08/2002 TO 11/22/2002 PETIT COURT SORT: NUMERIC

Service: C10-8

Servi No.	.ce Name	Address	DOB	SSN	Annual No.	Term No.
38	NICULA, CYNTHIA L				17040	2031
39	BAIN, KATHLEEN A				7,119	1743
140	NATALE, DENNIS G				503	1240
141	MARLOWE, JAMES A				1081	875
142	WALLACE, JOHN W				8613	1169
43	CROWE, KARRIE L				2893	2229
44	LAMB, MARY F				13010	2055
45	SHOENBERGER, RANDEE S				7958	1279
146	ROSTAN, RICHARD E				11350	1948
47	MADERITZ, BYRON				13487	1214
48	STEWART, TANGA C				929	1417
149	BEADLING, HOWARD J				8274	653
150	LEW, ANGELA				4270	169
151 '	OBRIEN, RITA A				1162	1956
152	HOLLAND, CHRISTINE				7562	2271
153 '	OBLINGER, DENNIS R				9727	1717
154	SEREDAY, DOROTHY				13431	597
155	DINARD, MARY A				8281	2054
156	SIMEONE, KARI J				10348	379
157	JACKSON, JOHN W				11668	786
158	EUCKER, BONNIE D				8713	972
159	DANDREA, MICHAEL A				7589	9

Time: 09:52:15 JURR8045 10/08/2002 TO 11/22/2002 PETIT COURT SORT: NUMERIC

Service: Clo-8

Servi	Name	Address	DOB	SSN	No.	No.
60	THIRY, MARCEL S			- 11 - 11 - 11 - 11 - 11 - 11 - 11 - 1	3458	151
61	KNIGHT, CYNTHIA L				2082	738
62	RIEDMANN, CONNIE				1613	454
163	WILLIAMS, NANCY A				6377	376
164	HARRIS, JENNIFER J				7652	274
165	SCHULTZ, RHEANNE				12120	140
166	PERSKY, ARNETTA K				9665	217
167 '	KRONER, MAE				11329	107
168	YOUNG, TABATHA J				12548	265
169)	EBINGER, AMY S				3714	5
170	GASKILL, SUSAN M				6777	101
171	SPIEGEL, LEONARD B				5193	106
172	MARINO, MARY K				2623	726
173	BOWSER, HEATHER J				7161	172
174	RUSCITTI, ANGELO M				7653	128
175	ECKENROD, MARION				2910	143
176	DIXON, WALTER R				7320	143
177	JONES, JOSH J				236	176
178	DUEZ, TRACY A				13752	929
179	HURTON, AMY				12240	195
180	BAILEY, LAUREN				3618	217
181	DIGLAW, JAMES M				7785	260
182	SWEGAN, MEGAN L				6833	232

Case: 4:07-cv-00880-JG Doc #: 47-15 Filed: 07/14/17 87 of 186. PageID #: 12906

URRB			PETIT COURT SORT: NUMERIC			1		
ervio	:e Name	Address		вод	SSN	Annual No.	Term No.	
183 '	THOMPSON, DONNA					10394	2447	
184	WEST, TIM					6228	1527	
185	BATSON, SCOTT B					2682	672	
186	FRIEDMAN, ANNA MAE					225	1465	
187	BROWN, DANIEL L					11381	147	
188	PALM, DONALD L					1582	1321	
189 '	HARDIN, WILLIAM C					9565	1353	
190	MURRAY, JEFFRY L					1824	1219	
191	SZEGEDI, LENA N .					532	787	
192 '	ELBEL, GERALD R					3624	2193	
193	LEASURE, KAREN S					5709	2640	
194	MCCULLOUGH, JOHN A					512	2179	
195	MCKINNISS, JENNIFER R					9956	2563	
1961	ALTAFFER, MARGARET J					5643	1496	
197	TURK, SANDRA L					2728	1193	
198	WALLS, DENISE L					69	1211	
199	MILLER, NICHOLAS J					12872	2386	
1200 '	FOTY JR, ANTHONY					1786	2342	
201	ROOD JR, RONALD F					6286	2107	
202	CRUMP, MARY					13324	966	
203	HYATT, FRANK T					3910	1918	
204	SALCONE, EILEEN J					11967	21	
205 1	DZEDA, EDWARD R					4629	73	

Case: 4:07-cv-00880-JG Doc #: 47-15 Filed: 07/14/17 88 of 186. PageID #: 12907

C10-8

Services

10/08/2002 TO 11/22/2002 PETIT COURT SORT: NUMERIC Page: 10

No.	Name	Address			ров	 ISN	Annual No.	No.
206	BUBON, KIMBERLY L		1				12072	2198
207 '	BELLINO, NICHOLAS D						8229	2041
208	LOEW, JANET						11481	1653
2091	RUPERT, LAURELIN						2400	207
210	CLONCH, RONALD A						2939	2164
211	FAMOR, PATRICIA A						1996	2239
212	GALATI, JUDITH L						1813	1026
213	RAVIZEE, JOHN H						11413	55
214	HETTRICK, NANCY J						10268	582
215.	RICHARDS, FRED C						12364	165
216	THIRION JR, THAD H						8973	2029
217 '	KRUK, LILLIAN A						30	676
218	POKRIVNAK, CARLA C						8167	1896
219 1	ENGLISH, LAURA A						1808	1335
220	CULVER JR, LARRY						3600	2515
221	SWAUGER, TERRY A						4690	1953
222	TALKINGTON JR, BILLY C						2398	2718
223	MILLER, GREGORY A						12795	1507
224	HOOK, MELBA L						12374	739
125	WAGNER, BRADLEY E						11716	630
126	HARRISON, RAYMOND D						12392	1730
127	FRANCIS, JOYCE E						12507	1798
128	PUSIN, KATHRYN D						6655	367

Case: 4:07-cv-00880-JG Doc #: 47-15 Filed: 07/14/17 89 of 186. PageID #: 12908

ervi			PETIT COURT SORT: NUMERIC			1	
ervi	Ce Name	Address		DOB	SSN	Annual No.	Term No.
29 '	COOK, MARION M					261	2126
30	KOTANCHEK, ALAN L					2354	508
31	DAVIES, WAYNE D					6084	1678
32	MILLS, NICOLE E					201	1003
33	SFERRA, SUSAN R					12088	2323
34	RODRIGUEZ-DIRANDO, GEORGEANN					1881	1820
35	HOSTETLER, EDWIN L					4590	1116
236	DULKA, THERESA A					2453	1847
137	WYSENSKI, JUDY D					10429	444
238	BRUNETTE, MATTHEW G					6737	1858
39	WILMOTH, RONALD L					12803	1919
40	MORRISON, ROBERT H					8838	1183
41.	PELLEGRENE, DENNIS G					383	1590
242	PERRONE, ANTHONY C					12937	975
243	ATWAY, SALWA					6136	2145
244 .	BRODA, CURTIS P					9032	2255
2451	ANDRELLA, THOMAS M					8321	2022
246	MCBRIDE, JOHN F					6576	2756
247	GORDON, MICHELE L					5352	2742
248	DAUGHERTY, JANET D					2936	2039
2491	EATON, CARL E					7365	2638
150	HAINES, AMY M					3159	160
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Time: 09:52:16 . JURR8045 10/08/2002 TO 11/22/2002 PETIT COURT SORT: NUMERIC

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Services	C10-8

No.	ce Name	Address			DOI	SN	Annual No.	No.
251	KLINGER, ELMER R						13525	1767
252	MARTIN, REX A						4392	860
253	SMITH, KIM D						4237	932
254	MCDONALD, JUDITH A						5163	1535
255	RICCI, LUCY						6003	1444
56,7	MCQUEEN, SHARHONDA C						4269	2605
257	MASON JR, DAVID H						562	833
258	MARTINO, MICHAEL A						4369	539
259	DAVANZO, PAUL P						10115	1325
260)	MERCER, ROBERT P						1470	2509
261	MCMONAGLE, LESLIE						3805	2539
262	NORTH JR, WILLIAM W						1260	2364
263	WHITE, CHARLES E						10399	2305
264)	SABLE, ALICE M						12912	1636
265	MARSH, RAMONA L						624	1421
266'	SCHRECKENGOST, CATHERIN	E					5060	1106
2671	FRAZIER, CHARLES A						401	1055
268	WELLS, REGINALD						1319	585
269 '	GIANCOLA, SHERRY S						2539	1966
270 '	GUMINO JR, ANTHONY J						1658	1299
171	POWELL JR, GEORGE W						6167	1194
	OCONNELL, JOHN F						7418	177

Case: 4:07-cv-00880-JG Doc #: 47-15 Filed: 07/14/17 91 of 186. PageID #: 12910

rime i URRE			10/08/2802 TO 11/22/2002 PETIT COURT SORT: NUMERIC			i	
arvi	ce Name	Address		DOB	SSN	Annual No.	Term No.
273 1	RUMBLE, JEANNE M					11682	2740
274	BUTERBAUGH, PENJAMIN B					1747	984 -
275	BURNHAM, ROBERT M					1763	394
2761	FUNGI, ALICE B					6251	78
277	SENEDAK, KATHRYN P					7811	1333
278	HEFNER, ROBERT D					3719	1245
279	PARNABY, GERALD					4175	1420
280	CASSIDY, MARY F					4176	1001
281	SALEM, EMIR					3582	1947
282	DESIMONE. RALPH F					3721	1230
283	KUZMICK, PATRICIA					5045	727
184	SLATER, TERISA					5007	1150
!85	PRINCE, JAMIE L					8729	992
186	STEVENS, ANNIE R					10184	2472
187	MARADO, JEAN L					2670	226
188	BAUMAN, DEBRA L					10241	2457
:89 '	WAGNER, KOSALIE					1842	467
190	TRICKER, MELINDA O					5362	755
191	BODNAR, JUDY					3076	1365
92	FRITZ, RUTH A					7845	1596
93	ABERNATHY, CAROL J					4423	36
94'	HUBER, THOMAS M					6829	1164

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Time: 09:52:17 JURR8045

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Annual Term Service DOB No. SSN No. No. Address 1228 2546 (295 DAILEY ROBERT J 813 1296 PHILLIPS, POBERT S 8098 297 2791 1701 JONES, DENNIS E 298! SMITH, ROSE MARIE M 9978 2458 510 1157 299 MORETON, TAMMY 2324 2381 300 WISE, CAROL 301 MILKON, ANTHONY 6221 2503 302 VALERIO, DONNITA J 9983 709 (303) DAYLIDA, RAYMOND 6318 396 3041 EMERY, EUGENE R 1813 2183 305 CRENSHAW JR, FRANK 13009 2505 306 CULLISON, TONY R 5004 1045 307 CARAWAY, DOROTHY A 2349 11169 SHAFER, GLENN A 308 1051 2483 309 GALLO-SCHADL, NATALIE 1438 5572 110 WILDMAN, BONNIE L 12631 439 311 MOCELLA-MERTEN, MICHELE 7678 100 312 BRYAN, SCOTT J 1873 2541 313 HUMENIK SK, JACK D 258 8659 114' HAINES, MILO F 4250 334 115 HOMICK, THOMAS E 977 2487 SCHRECENGOST, JACK L 16 7982 990 HEARN, ANITA L 17 8969 2564

> NATHANIEL JACKSON v. WARDEN CASE NO. 4:07-cv-0880 SUPP. APPENDIX - Page 5225

14

Pager

Time: JURRS Servi			10/08/1002 TO 11/22/2002 PETIT COURT SORT: NUMBERIC			1	aga: 13
Servi	co Yame	Address		DOB	ssn	Annual No.	Term No.
18	DATTILO, GARY A					13434	1053
19	FAIVER, WANDA S					12812	2534
20	JURATOVIC, KATICA					11294	456
21')	BARNES, GARY W					10937	2308
22.1	COLBRUNN, ROY I					4577	120
23	MILLER, ROBERT E					12839	1032
241	RAMSEY, ROMA L					8744	384
25	HIGBY, DIVA C					11422	2159
26	BOONE, SANDRA J					9454	1745
7.	MCCREADY, TERESA R					3201	1079
28	KOLLAR, REBECCA S					4012	895
9 1	PRENTICE, KAREN J					12699	547
0	FOULK, CAROL H					9080	75
1	THIRY, JUSTIN					13117	1868
32	RUMAN, SYLVIA J					9368	1526
3	JOHNSON, PATRICIA A					250	2250
34.1	SMITH, JOYCE L					1797	1486
15	LAPROCINA, MELANIE C					2984	1297
361	TUTOKI, AUDREY J					11965	1081
37	LOMBARDI, DUILIA					6947	81
38	CASEY, ALICE M					4805	1728
39 1	BEESON, JOSEPH W					10803	276
401	BIANCO, BERNARD T					5730	876

Time: 09:52:18 JUKRB045

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Services

Vehire Jurur List (Service) 10/08/2002 TO 11/22/2002 PETIT COURT SORT: NUMERIC Pager 16

servi No.	ce Name	Address	DOB	ssn	Annual No.	Term No.
341	WEISS, HARRY M				1108	2231
142	CASTOR, DOMINIC J				12782	1888
43	NORI, MICHAEL J				5551	1969
44	WADE, SHIRLEY A				3648	1591
45	BUTLER, ROCHELLE L				4592	1267
46)	BUCKNER, ANDREW				10135	336
47	SPELICH, MONICA S				13066	1648
48	ALLEN, JAY R				6988	1920
149	PAPIERNIK, MARLIA				12246	1588
50	DENYS, THEODORE A				945	263
51	CLAYMAN, DEBORAH L				5799	1146
52	MEYERS, RODNEY J				3125	1008
53)	LYNDES, KEITH J				5140	2717
154)	PENNER, BENITA M				5409	2601
55)	NIEMI, TIMOTHY A				2521	2313
56	HENDERSON, KAREN L				10542	224
57)	LEMMON, KENNETH L				7330	20
58	GILKEY, RENEE M				13711	1809
59	CAPIRANO, RALPH J				10734	1104
60 1	MARGO, LINDA S				9481	1744
611	OHLIN, MARGARET M				12058	920
62	WOGAN, THELMA J				6647	1223
63	MCWHIRTER, JENNIFER				10104	1570

Pagel 10/08/2002 TO 11/22/2002 rame: 09:52:18 PETIT COURT JURR8045 SORT: NUMERIC C10-8 Services Annual Term Service DOB SSN No. No. No. Name Address 2684 13700 364 MEASE, RODGER L 770 PER6 PARIS, SUSAN A 365 2087 366 CICERO, RENEE L 1316 1666 11002 367 POWERS, RICHARD A 368 117 2037 BOATRIGHT, BONITA N 1292 11032 369 CRANK, SHAWN M 370 LOHR, GEORGE C 8473 790 1709 371 COLE JR, JAMES S 12429 12752 2249 372 HENDERSON, LINDA 1278 373 WARGO, RICHARD G 8291 374) 2102 SHERIDAN, DEBRA L 8210 3751 1216 CHALKER, JAMES P 3084 376 THOMPSON, TONI 1448 1313 377) DIGIACOBBE, EMIDIO A 5810 1649 178 GAVITT, VIOLET C 537 4865 179 GIULIANO, JOSEPHINE T 2437 12675 A, MARY M 4362 2158 380 KUZMAN, KATHLEEN 2412 181 3687 182 BAKER, MARY D 4439 330 183 PHILLIPS, GARY R 1795 1864 GARNER, SAMUEL E 803B 2199 85 CLICK, CHERYL A 13411 2468 ROSS, HAYWARD L 10934 241 86

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Total Number of Jurors 400

10/08/2002 TO 11/22/2002 PETIT COURT SORT: NUMERIC

Servi No.		Address	ров	ssn	Annual No.	Term No.
387	ZEREFOS, KIMBERLY D				8768	22
388	MCCAFFERTY, CONSTANCE A				9261	1062
389	KERIOTIS, THEODORE M				12817	1316
390	MALITO, CONNIE S				2523	668
391	GARWOOD, JULIE M				7181	1054
352	DIAZ-GONZALEZ, RAFAEL J				13456	203
393	BOARDLEY, THOMAS C				481	1760
394	HANICK, TIMOTHY				7935	1099
395	EUBANK, BARBIE J				13976	1060
396	NELSON, JOHN				9736	447
397	CAMPBELL, TIMOTHY L				1922	1038
398	RATCLIFF, JOYCE P				3101	1351
399	FURILLO, RICHARD J				638	93
400	KRAUSE, STELLA L				9672	2173

*** End of Report ***

IN THE COURT OF COMMON PLEAS TRUMBULL COUNTY, OHIO

STATE OF OHIO,

Plaintiff,

Case No. 01-CR-794

-VS-

NATHANIEL JACKSON,

Defendant.

EXHIBIT

AFFIDAVIT OF DENNIS DAY LAGER, ESQ.

State of Ohio

SS:

County of Portage

Dennis Day Lager, after being duly sworn according to law, states as follows:

- I am an attorney licensed to practice law in the State of Ohio.
- 2. This Court appointed me to represent Nathaniel Jackson in his direct appeal to the Ohio Supreme Court.
- I attended in person the final day of co-defendant Donna Roberts' mitigation hearing.
 - All of the individuals that sat on the jury in Ms. Roberts' case were Caucasian. 4.

Further affiant saith naught.

Sworn to and subscribed in my presence this 5th day of January, 2004.

KATIE N. ARMSTRONG, Notary Public

Residence - Summit County State Wide Jurisdiction, Ohio

My Commission Expires JULY 4, 2006

NATHANIEL JACKSON v. WARDEN CASE NO. 4:07-cv-0880 SUPP. APPENDIX - Page 5230

Seiler.

Student Number: 0016-77-20

The Public Schools Youngstown, Ohio Department of Pupil Personnel Services

PSYCHOLOGICAL REPORT

Confidential -- For Professional Use Only

NAME JACKSON, NATHANIEL		TEST DATE 1-17-86
ADDRESS	SEX M	REFERRED BY School
Charles/Pauline PARENT(S) <u>Korneagay</u>	GRADE 7	SCHOOL Adams Jr. High
HOME PHONE	C.A. 13-11	EXAMINER J. Seiser

REASON FOR REFERRAL Disruptive behavior. Low Achievement

TEST RESULTS .

INTELLIGENCE

Weshalar Intelligence Scale for Children - Beyised

Verbal I.G. 72 Ferformance I.G. 78 Full Scale I.G. 73

Bender-Gestalt Test

1 Errors

ACHIEVEMENT

	Grade Placement	Standard Scone	Discrepancy Score
Reading			
Woodcock-Johnson Letter-word Ident.	6.4	88	-1.0
Woodcock-Johnson Passage Compre.	4.6	75	13
<u>Math</u>			3.
Woodcock-Johnson Calculation	4.3	63	+.67
Woodcock-Johnson Applied Problems	5.2	75	13
(reasoning)			4 1.

12-19-85 Vision Screening - Failed - Referred for further testing Hearing Screening - Passed

Ecales of Independent Behavior

Math Skills
Social & Communication Skills
Personal Living Skills
Community Living Skills
Brosd Independence

92 Score Standard Score
12-3 92
6-5 55
9-3 9-3
9-0 EXHIBIT

NATHANIEL JACKSON v. WARDEN CASE NO. 4:07-cv-0880 SUPP. APPENDIX - Page 5231 . MANIEL . High page 2 of 5

BACKGROUND INFORMATION

Nate is the second of four children in his family of 3 boys and 1 girl. Both parents reside in the home. According to his mother, his birth history and early development were normal and there has never been any eating or sleeping problems. His health is generally good and there are no known allergies. According to Mrs. Jackson, Nate gets along all right at home. The only problem she noted is stubbornness.

School records show that Nate made fair progress in primary grades in school. Both behavior problems and poor work habits were cited in early reports. He failed four subjects in sixth grade and repeated that year. In his second year of sixth grade he was absent 48-1/2 days, tardy 15 days. Approximately 40 days of those absences were due to disruptions in class and refusal to obey rules. Stanford Achievement test scores on 5/84 indicated both reading and math scores were in the first staning. Nate is presently in seventh grade and receives remedial services in both reading and math. Behavior has continued to be a problem with frequent reports of constant disruption and disrespect of authority. He is presently failing all subjects and was referred for a multifactored evaluation.

Observations

Nate was first seen in the assistant principal's office where he was sent after about an hour's search to iccate him in school. He is rather small for his age; was somewhat unkempt, and sat slouched in his chair. He was somewhat resistant to coming into the testing session and walked up the stairs at a snail's pace. He spoke very freely with a great deal of prejudice and hostility towards whites and made many tough; verbal threats. At first, he refused to complete some of the testing and called it "baby stuff" he didn't have to do. Eye contact was very poor throughout and he, spmetimes, roamed about the room in a very casual manner. As the session . progressed, he loosened up a bit and worked efficiently at tasks he enjoyed. As he became more cheerful, he spoke freely of celebrating his upcoming birthday and bragged about the drinking and drugs he was to enjoy. He was pleased with himself on a few occasions when he felt he had good success. Eventually all requested tasks; including the "baby ones" he'd originally refused to do, were completed. While those behaviors may have depressed the scores somewhat, the scores are probably in the appropriate ranges.

Test Results

1 图 图

Ability. Nate's scholastic ability; measured on the WISC-R, is in the Eorderline (Slow Learner range). Overall, his Verbal and Performance I.Q.'s were similar. Relative strengths for him were his auditory, short term memory, attention to visual details, and ability to do oral arithmetic problems. His vocabulary, ability to formulate verbal concepts, and visual-perceptual organizational skills are below average. Some of those

ATHANIEL ... High

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page 3 of 5

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scores may be depressed by a lack of cultural opportunities or by his impulsive responses.

Achievement. Nate's reading and math skills are fairly consistent with his measured ability. He damonstrated ability to decode words promptly. He made accent errors in more difficult words which it is suspected he would have correctly identified in context. His reading comprehension score was weaker and it appeared that he was losing interest In the math calculation, he completed complex addition, subtraction with borrowing, some multiplication and division. He did one, double-divison, division problem by doing repeated addition. He did not attempt more difficult division or fraction work. He was successful in solving word problems involving money. He had no difficulty in restating the word problem and seemed to know what was expected. A few careless errors depressed his math problem solving score.

A teacher checklist on his communicative status indicates that Nate's skills are below average. Further testing may be completed by the speech clinician.

<u>Visual-Motor</u>. Nate copied the nine Bender designs without error. The work was fairly well organized on the page. While some of the designs were weak in angulation, visual-motor maturity is adequate for his age.

Social-Emotional. The Scales of Independent Behavior, a measure of adaptive skills, was completed by Mrs. Pavlone, one of Nate's teachers. His gross and fine motor skills are appropriately developed for his age. Independent functioning is subaverage in the areas of social/emotional, personal living, and community living. Specific difficulties include negative peer interaction (hits, fights, name calling, accepts no criticism), inappropriate use of language (vulgarity), cleanliness in personal care, lack of personal responsibility for being in proper place a proper time, and poor work skills (little attention to tasks). Nate also demonstrates disregard for personal property.

The Hahnemann High School Behavior Rating Scale (HHSE), a classroom behavior rating scale, reflects many of these problems. Significant behavior factors on that measure which hamper educational progress include poor interaction, weak reasoning ability, poor work habits, expressed inability, and restless, disturbing behavior. Nate is on task occasional; but not for very long.

In the projectives administered (House-Tree-Person, Incomplete Sentences): Nate made no bones about the fact that he is aggressive, hate: whites (except for one boy) and intends to hurt them or anyone else who tries to get "through him". There was no evidence of positive feelings towards anyone, including his teachers and parents. ("Ain't nothin' to me"). He projected the idea that he is afraid of nothing, including consequences of his own misbehavior and he admits he feels no guilt about

.ATHANIEL

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it. Nate wants to project a tough guy image and works hard at not letting down his guard. He did admit, but quickly retracted the statement that he is afraid of getting hurt.

He was openly hostile and entagonistic at the beginning of the testime session. While he did let down a bit, he never did relax in the session. It is possible that he views others as a threat and wants everyone to know he's not to be tampered with.

Summary and Recommendations

Nate's cognitive, academic, and social development scores are all at subaverage levels. As indicated, his behaviors in the testing may have depressed some of the scores somewhat but the ranges are probably appropriate. A major concern is the constant, open expression of hostility, both verbal and physical, towards others. It appears that this is often done without provocation and without a sense of guilt. Nate expressed deep prejudiced feelings and seems to believe it is right to act in aggressive ways. Several teachers have documented persistent, aggressive behavior in his classes which interferes with work production. Nate failed sixth grade classes for two years and is presently failing all classes in seventh grade. Without some intervention, it is conceivable that he will continue to fail and, also, could cause personal injury to others, including student and teachers. A team conference should be held, as soon as possible, to review all data and determine appropriate interventions.

- Nate needs to develop an appropriate set of standards and values to develop a conscience about his actions and to understand the consequences of behavior.
- 2. He needs to develop tolerance for those he perceives to be unworthy and to learn acceptable behaviors towards them. His prejudices seem to permeate his thoughts and behaviors. Disruptive behaviors must be remediated.
- Positive interactive skills with peers and respect for authority need to be learned.
 - 4. The possibility of substance abuse should be explored.

Jo Seiser

School Psychologist

fh

The Public Schools Youngstown, Ohio Department of Pupil Personnel Services



PSYCHOLOGICAL REPORT Confidential -- For Professional Use Only

Name: Nathaniel Jackson DOB: Report Date: 2-23-89

Address: Sex: M Referred By: S. Gregory

Parent(s): Pauline Korneagay Grade: 10 School: Stambaugh

Home Phone: none listed C.A.: 17-0 Examiner: J. Ciarrochi

REASON FOR REFERRAL

Mandatory three-year resvaluation to determine if Nathaniel continues to cualify for special education services.

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SENSORY EVALUATION

Testing by school nurse D. Halloran on 1-18-89, reveals that hearing is within normal limits. Mathematical failed visual acuity screening. He passed the eye muscle balance test. No vision referral was made because Nathaniel was in the process of getting glasses at the time of the screening.

BACKGROUND INFORMATION

Nathaniel said that he lives with his mother, 12-year-old brother Charles, 13-year-old sister Tasha, and ten-year-old brother Patrick. HIs brother Charles will be graduating from the transitional school this year.

Nathaniel was placed in the Severa Bahavior Handicapped (SBH) program during his seventh grade year (2-18-86). Referring behaviors included disrespect toward authority figures, leaving the classroom without permission, disrupting the class, threatening others, and passive-aggressive behavior.

Mathaniel was placed at Stambaugh Transitional with teacher Sara Revetti for the remainder of his seventh grade year. He remained at Stambaugh for grade eight. Because of good behavioral progress, he was placed in a less restrictive setting, the SBH satellite unit at Rayen High School the following year. During this school year (1988-89), Nathaniel was transferred back to Stambaugh because of threatening, aggressive behavior. One day he burned his and another student's worksheets, lay across a table in the classroom, and refused to go to timeout. When the teacher approached him, he swung at her.

confidential Psychological Report . W. Zionsin

Page 2

Nathaniel's progress in the SBN program has been inclusistant, which may be due to periodic poor attendance. Current teacher, Sulette Gregory, said that his behavior is average for her class and that his scademic progress is above average. Nathaniel is on the fifth grade level in math and on the eighth grade level in spelling and reading. He failed all subjects the second grade period because of poor attendance, but earned A's,B's and C's for the first grade period. Nathaniel is on Level IV of the five-step behavioral management system. His current problem behaviors are frequent talking out, including drug talk; trying to sleep in class instead of working; and resisting direction. In general, Nathaniel gets along adequately with peers and the teacher. However, he often teases others.

While Nathaniel was at Rayen, he had a vocational evaluation. The evaluation report stated that he had a low level of involvement and excessive absenteeism. He did interact adequately with co-workers and was receptive to supervision. Marginal consideration for a program was recommended.

CLASERCOM OBSERVATION

Nathaniel was observed for 20 minutes in Home Economics class on 2-13-89. Time-sampling at four second intervals and anecdotal observation were used. The three other boys in the class served as the rotating comparison peer. The activity observed was cleanup after cooking.

Nathaniel was on-task for more of the sampled intervals then was the rotating comparison peer (68% compared to 32%). His off-task behavior differed from that of the other boys in frequency, not in type. When Nathanial was not on-task, he was walking around the rotal or talking with others.

TEST BEHAVIOR

During individual assessment, Nathaniel was sullen, but followed directions and put forth adequate to good effort. He was guarded and suspicious when asked to draw a picture of his family.

TEST RESULTS AND INTERPRETATION

OVERALL ABILITY

Stanford-Einst Intelligence Scale - Form L-M

Chronological Age: 17-0
Mental Age: 11-6
Intelligence Quotient (IQ) 70

IN THE COURT OF COMMON PLEAS TRUMBULL COUNTY, OHIO

STATE OF OHIO,

Plaintiff, : Case No. 01-CR-794

-VS-

NATHANIEL JACKSON, :

Defendant.

EXHIBIT

AFFIDAVIT OF JESSICA LOVE

STATE OF OHIO

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: SS:

COUNTY OF FRANKLIN

Jessica Love after being duly sworn according to law, states as follows:

- I am investigator employed by the Office of the Ohio Public Defender. I have been employed by the Office since June 1997. I have a Bachelor of Arts degree in Sociology and Criminal Justice from Ohio University. I have attended national and state conferences on the death penalty, including mitigation investigation training.
- 2. In my capacity as an investigator, I have been assigned primarily to conduct sentencing investigations in capital cases. I have conducted sentencing phase investigations in approximately 30 capital cases. These cases have been both at the trial and post conviction levels.
- 3. A necessary component of capital case preparation at the trial level is the mitigation phase investigation. A mitigation investigation consists of collecting available records on the defendant and his family as well as interviewing the defendant and their family to obtain relevant information regarding the defendant and their family. This information is used to develop a psychosocial history and understanding of the defendant to enable the defense team to prepare and present a quality mitigation phase presentation.
- 4. My goal as an investigator is to conduct as many interviews as necessary to identify the relevant life experiences of the defendant and develop a psychosocial history of the defendant and their family. These experiences include, but are not limited to prenatal injuries; problems which are heredity in nature; physical psychological and sexual abuse; learning and psychological disorders; substance abuse; lack of adequate resources including monetary and



food; inadequate parents; educational performance; mental health contacts and interaction with the criminal justice system.

- 5. I identify these relevant experiences by interviewing the defendant as well as significant others through out the defendant's life. I start with the defendant plus his immediate family, parents, siblings, grandparents, cousins, aunts, and uncles. I then attempt to interview friends of the defendant and his family including teachers, coaches, doctors and probation/parole officers.
- 6. To verify the information, I collect as many records as possible. This includes medical, school, prison, legal, employment and mental health records.
- 7. This investigation can be a very time consuming process. It can take the record holders some time to locate the older records. Family members may need to be interviewed several times to develop their trust to uncover sensitive family issues. For instance family members may be resistant to reveal information concerning sexual or physical abuse. Also, I must spend time with the defendant to develop a rapport which facilitates the defendant's willingness to reveal sensitive information, typically presented in the mitigation phase.
- 8. As part of my duties with the Office of the Ohio Public Defender I was assigned to the case of Nathaniel Jackson ("Nate"). After conducting an initial interview with Nathaniel, I interviewed Pauline Korneagay (his biological mother); Raymond Dickerson (stepfather); Tausha Korneagay (sister); Anthony Korneagay (brother) and Kevin Perry (Nate's friend and Tausha's fiancée).
- 9. Nate was born to Pauline Korneagay and Charles Paige who died recently. Nate had two brothers (Anthony Korneagay and Charles Jackson) and one sister (Tausha Korneagay)
- 10. Nate's mother is a binge drinker. When her daughter was about to deliver her child, Nate's mother showed up drunk at the hospital. Nate's mother previously shot someone.
- 11. Nate and his siblings grew up in a rough neighborhood. They often heard gunshots. It was tough to go out and play.
- 12. Nate did not have a good relationship with his mother. She never showed any love for him. She gave all her love to her son Tony. She never wanted to have anything to do with her other children. This hurt Nate and his sister. However, neither Nate nor his sister have ever blamed their mother. They act as if nothing was wrong. In actuality only Nate's sister has been there to support him through out his life.
- 13. As a result Nate moved in with his grandmother, who lived in the house next to his mother. Tausha, when she was in elementary school, also moved in with his grandmother.
- 14. Nate experienced problems in school. He often failed to attend school and when he did he talked back to the teachers. He pushed a teacher down the steps. He was eventually

sent to Stambaugh Middle School because of his inappropriate behavior. He dropped out in the eleventh grade.

- 15. When Nate was, approximately fifteen years of age, Pauline, his mother, began to live with Raymond Dickerson. The two individuals, though not married, still reside together. Raymond is a severe alcoholic who disappears for long periods of time. He is unable to maintain steady employment.
- 16. Because Raymond appeared so late in Nate's life, his stepfather never served as a role modal for Nate. When Raymond gave Nate advice, Nate ignored it. As a result Raymond quit trying to advice Nate.
- 17. Nate began to socialize with drug dealers and users. This had a negative impact upon him. For instance he used to be closed to Shawn and Mike Rushton. Both individuals are now in jail. Other individuals that Nate chose as friends are now either in jail or dead. Nate carried drugs for the dealers.
- 18. Eventually when Nate became addicted to crack, Nate ceased to live with his grandmother and began to live on the streets.
- 19. When Nate would get high he would not become mean. Nate was afraid of his brother who had beaten him up. Nate never carried a gun. He was afraid of guns. Nate always wanted people to think that he was a tough guy, but he never really was. Nate used to tell people he was a "crip" and his brother was a "blood". This was just Nate bragging.
- 20. Nate committed property crimes to support his crack habit. His crimes did not involve violence, other than to Nate. He had to go to a doctor because someone broke his jaw after he tried to break into that person's house. Another time some male broke Nate's ribs. Another person shot Nate after he stole some personal property. Nate stole from so many people that they used to walk up to his brother, Anthony and tell him that they were going to kill Nate. Nate's family had at times to leave their house because there were so many threats from people from whom Nate had stolen.
- 21. Nate's theft offenses were not limited to strangers. Family members would not let him stay with them because he would steal from them to support his habit. When he visited his mother, she at times would have to call the police. His mother had to put locks on her two deep freezers because Nate would steal meat from the house and sell it to get drugs. She also had to put locks on her bedroom door. Nate stole the license plate off his mother's car. His mother bought his grandmother a rose and Nate stole the rose. Nate was close to his children.
- 22. Nate has two children, by different women. He is close to his daughter. The mother of his daughter left him because he was a drug addict. He also has a son. The mother of his son is a drug addict. Nate's crack problem became so bad that he stole his son's clothes as well as the mother's car.

- Tausha and her fiancée, Kevin Perry, tried to get Nate help for his drug problem. They got him admitted into the Bellmont Drug Treatment Center where he dropped out after two weeks.
- Nate was never good at picking up women. He always seemed to pick the wrong ones. Approximately two years prior to the instant offense, Nate met Donna Roberts. She gave him clothes, drugs, money and anything else that he wanted. She let him drive her cars. Nate seemed really happy after he met Donna. He was impressed with her status. Nate's family members recognized that Donna took advantage of Nate. However Nate refused to listen to them. Nate enjoyed the lifestyle and he saw no reason to change.
- 25. Nate's mother, Pauline and Raymond were together at a local bar when they learned of Nate's arrest for the murder of Mr. Fingerhut. While Nate had a lengthy criminal record by that time, none of his illegal acts involved violence. They expressed surprise and got drunk.
- 26. None of the family spoke to Nate's attorneys until the day they went to court to testify in the sentencing phase. They met as a group with the attorneys and were asked questions about the crime. They were not prepared for questions, when the attorneys eventually called them to testify.

Further affiant saith naught.

Sworn to and subscribed in my presence this

day of January, 2004.

Commission Expuss 7-7-08

IN THE COURT OF COMMON PLEAS Trumbull COUNTY, OHIO

STATE OF OHIO,

201 01110,

Plaintiff-Respondent

-vs.- : Case No. 01-CR-794

: Judge Stuard

Nathaniel Jackson

Defendant-Petitioner.

EXHIBIT 14

AFFIDAVIT OF DORIAN L. HALL, M.A., L.S.W.

IN THE STATE OF OHIO)
) SS:
COUNTY OF FRANKLIN)

- I, Dorian L. Hall, M.A., L.S.W. being first duly sworn according to law, state the following:
- 1) I have a Bachelor of Arts degree in Sociology and Psychology from Miami University, a Master of Arts degree in Sociology from Ohio State University and am a licensed social worker in the State of Ohio. I have been employed as a mitigation specialist by the Office of the Ohio Public Defender since August 1988 and have served as the supervisor of the mitigation section since August 1994.
- 2) I have trained with national experts in death penalty mitigation, remained current with the literature, and have lectured at state conferences on the topic of mitigation.
- 3) I have been involved in the investigation and/or preparation of over one hundred and fifty death penalty cases at both the trial and appellate level (i.e. state



post-conviction and federal habeas corpus proceedings) in the states of Ohio and Indiana.

- 4) I have testified in federal court concerning the standards that exist with respect to the preparation of a mitigation investigation in a capital case.
- 5) An essential element of capital case preparation, at the trial level, is the mitigation or sentencing phase investigation. A mitigation investigation is conducted by obtaining any and all information available about the defendant and their family. This information is used to construct a psychosocial history and understanding of the defendant, which is the cornerstone of the mitigation preparation.

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- 6) In preparing for a competent mitigation, the above-noted investigation necessitates development of a close relationship with the defendant so that he or she will be willing to reveal intimate information about his/her life and family's dynamics. It is rare that a defendant or family member will reveal intimate information in the initial interview. This can be very embarrassing information. Often individuals who are abused protect their abuses for a number of reasons. In addition, the clients, often are very guarded given all the negative events that have happened throughout their lives.
- 7) The defendant's report of his/her psychosocial history and experiences must then be corroborated through in-depth interviews with family members, friends and professionals with whom the defendant has had contact, as well as records generated throughout the defendant's life. Records that should be pursued include birth, medical, academic, employment, social service agency involvement, military, mental health and legal documents (including juvenile and adult criminal charges as well as incarceration records). This information allows for a sound explanation and insight into the

defendant's behavior as it documents his/her psychosocial and personality development over a lifetime.

- 8) It is important that information obtained about the defendant and his/her family reflects as much generational family history as possible so that significant family patterns may be assessed in relation to the defendant and his/her functioning. Likewise, it is also important to explore potential cultural, ethnic and religious aspects of the defendant and his/her life, which may greatly impact the psychosocial understanding of his/her behavior. Some additional areas to explore are mental retardation, mental illness, substance abuse, medical conditions and trauma.
- 9) In developing data, all information must be covered. The investigation must not be limited to simply "good" information about a defendant, but must address all aspects of a defendant's psychosocial development so that a thorough understanding of the defendant's behavior can be reached. Limiting information to only positive data about the defendant does not provide for a cohesive, integrated explanation of the defendant's behavior.
- 10) All of this information serves to explain the defendant's behavior in light of his/her psychosocial development and history. This investigation is a separate obligation from the investigation of issues regarding guilt or innocence as it often reveals different information than the investigation regarding guilt or innocence. A psychosocial investigation is a minimal standard that must be met for an effective mitigation presentation, whether at trial or at post conviction.
- 11) Once all of this data is collected, it must then be presented to a licensed psychologist who can provide further insight and assessment of the defendant's

behavior to the defense attorneys. This assists the attorneys in developing a cohesive and sound theory of mitigation that can then explain the defendant's behavior during his/her offense. The psychologist can further assist the attorneys in directing the mitigation investigation as well as developing a cohesive theory of mitigation.

- identifying which, if any, tests that the psychologist should administer. The psychologist moderate not administer to the defendant the MMPI, HAIRE or any projective testing. Such tests do not explain the factors which affected the defendant's development. These tests, instead, often give a negative diagnosis of the defendant. For instance the results of the MMPI may demonstrate that the defendant is ant-social. This will give the prosecutor an argument which he can use to support the imposition of the death penalty. Instead the psychologist should take social history an identify the relevant factors which caused the defendant to develop the behavior qualities that he did. Often a person who develops ant-social qualities will have had a dysfunctional childhood which is marked by tremendous neglect and abuse. The psychologist should also conduct some preliminary testing to determine if the defendant suffers from brain impairment (brain damage). The proper instrument for that is the Trail Making test and not the Bender Gestalt
- 13) Since the United States Supreme Court declared that it is unconstitutional to execute the mentally retarded, the scope of the mitigation investigation has expanded. Mental retardation now serves as an absolute bar to the execution of the mentally retarded. The investigator must make sure that he obtains all prior intelligence testing of the defendant and evidence of impaired adaptive skills. The defense team

also must make additional decisions concerning the psychological appropriate testing.

If the defendant has prior IQ scores within the range of mental retardation, the team should advise the psychologist in most cases that she should not administer any additional IQ testing to the defendant.

14) A cohesive, sound theory of mitigation must present a complete picture of the defendant over his/her lifetime so that the trier of fact can understand the defendant's behavior in light of his/her lifelong development. A presentation of mitigation information cannot be limited to simply humanizing a client. Although this is an important and necessary first step, information must also be presented that explains specific psychosocial strengths and weaknesses, which explain the defendant's behavior and level of personality integration.

- 15) In those cases in which there is involvement of more than one person in the offense(s), the mitigation investigator must collect as much information as possible concerning the other individual(s). The jury, if it is helpful to the defendant, must be informed concerning the interrelation of all of the accomplices. This would include the identification of the dominant participant who may stand to gain the most from the commission of the offenses. Often the more intelligent participant will conduct the planning and have the most to gain. A defendant of lesser intellect, may be the principal offender, but not be the most culpable. His participation may be aimed simply at pleasing another one of the other participants!.
- 16) The tasks required for a mitigation investigation, as described above, are extensive and extremely time-consuming. Availability of records, ability to locate witnesses, interviews and resources can very greatly. It is also a process that requires

patience and time to build a rapport with the defendant and his/her family, particularly those who are reluctant to cooperate. Building a trusting relationship with those interviewed is a crucial step in obtaining complete and reliable information and is not something that automatically happens; repeated contacts and endless patience are essential. A qualified mitigation expert should have —at a minimum—at least three months before the jury selection begins to conduct the investigation.

- 17) Given the amount and variety of work involved in capital defense, the best approach to handling a capital defense is through a team approach. In addition to the defense attorneys the "defense team" typically includes a psychologist, mitigation specialist, criminal investigator and other experts as needed. The benefits of a team approach include increased efficiency, expanded knowledge, reduced duplication and increased support.
- 18) In order for the team approach to be successful, effective communication among team members is essential. Ultimately, problems with team communication can adversely effect the defense's presentation, which can lead to a death verdict. As team leaders the attorneys hold the primary responsibility to establish and participate in effective team communication.
- 19) To facilitate team communication ongoing team meetings, which include the attorneys, mitigation specialist, criminal investigator and often the psychologist and other experts, should be held throughout the pre-trial preparation. These meetings should begin early on in the defense preparation to establish the objectives of the team as well as the duties each team member will be expected to perform. Team meetings

allow each member to share their information with the group, exchange ideas and provide input.

- 20) Once the psychosocial investigation and psychological assessment is complete, the defense team should meet to brainstorm and strategize about the mitigation theory. The planning and coordination of the mitigation strategy should occur well before voir dire. The defense attorneys should include other team members in the discussion of mitigation strategy since the expertise that both the psychologist and the mitigation specialist have is invaluable in the development of a mitigation strategy. The defense attorneys should utilize their experts and mitigation specialist as a resource in assisting to make strategy decisions.
- 21) The defense attorneys should coordinate witness preparation of mitigation witnesses with the mitigation specialist and utilize the mitigation specialist to assist in this witness preparation. Because of their expertise in mitigation, plus knowledge of the mitigation strategy and the potential witnesses, the mitigation specialist is in a unique position to assist in determining the mitigation witnesses as well as their testimony. The presence of the mitigation specialist during witness preparation can be beneficial to the attorneys by putting the lay witness at ease and in clarifying problem areas. Also, while the attorneys are involved in the presentation of the mitigation theory to the court, the mitigation specialist can assist the attorneys by acting as liaison with the witnesses and coordinating the final preparations of the presentation.

Further Affiant sayeth naught.

DORIAN L. HALL, M.A., L.S.W.

1	IN THE UNITED	STATES DISTRICT COURT
		DISTRICT OF OHIO
2		ERN DIVISION
		DAYTON
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6	A COLUMN TANDENIA	
7	LAWRENCE LANDRUM,	
8	Plaintiff,	1 1345 15-1330 140
9	Vs.	: Case No. C-196-641
10	BETTY MITCHELL,	: Thursday, 9:00 a.m.
11	Defendant.	: September 4, 2003
12		of the control of the
13	EVIDENTIA	RY HEARING BEFORE
14	JUDGE M	ICHAEL R. MERZ
15		
16	APPEARANCES:	
17	FOR THE PLAINTIF	
18	Gerald W.	Simmons, Esq.
19	Randall L	. Porter, Esq.
20	FOR THE DEFENDAN	т:
21	Jonathan	R. Fulkerson, Esq.
22	Michael L	. Collyer, Esq.
23		
24	COURT REPORTER:	COI GO
25	Shandy Eh	6

3 PROCEEDINGS 1 THURSDAY, SEPTEMBER 4, 2003 2 3 9:00 A.M. THE COURT: Those of you who are in the 4 courtroom for the initial appearance in United States 5 6 versus Rodriguez Aguar matter, that matter is going to 7 be held as soon as we can obtain an interpreter, which 8 we do not yet have. 9 Given that, we're going to proceed with the 10 other matter, Case No. C-196-641, Lawrence Landrum 11 versus Betty Mitchell set for evidentiary hearing this 12 morning. 13 Is the petitioner ready to proceed? 14 MR. SIMMONS: Yes, your Honor. 15 THE COURT: And is the respondent ready to 16 proceed? 17 MR. COLLYER: Yes, your Honor. 18 THE COURT: Very well. Mr. Simmons, you 19 may call your first witness. 20 MR. SIMMONS: Yes, your Honor. I'll call 21 Jill Miller. 22 MR. COLLYER: We move for a separation of 23 witnesses. 24 THE COURT: So ordered. 25 JILL MILLER

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4
               witness herein, being first duly sworn, testified as
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        2
               follows:
                                  DIRECT EXAMINATION
        3
               BY MR. SIMMONS:
        4
                    Miss Miller, would you please tell Judge Merz
        5
門門でする
               your name and address?
      . 6
                    Jill Miller, Madison, Wisconsin.
       7
               A.
                    And what is your profession, Miss Miller?
       8
               Q.
                    I'm a forensic social worker in private practice.
        9
The second
                    Would you look at Exhibit 6, please, in the book
      10
      11
               that's before you?
                    (Witness complied.)
      12
               A.
                    What is Exhibit 6, Miss Miller?
      13
               0.
                    That's my resume.
      14
               A.
                    And who prepared it?
      15
               0.
                    I did.
       16
               A.
                    Is it accurate?
      17
               0.
                    It is. I made one addition, I think, since I
      18
P
               sent this to you, which is a training I did in May of
       19
      20
               this year in Albuquerque.
[
       21
               Q.
                    Is it complete?
 22
               A.
                    Yes.
                    Miss Miller, would you please tell the Court your
      23
       24
               educational background?
       25
                           I have a bachelor's and master's degrees in
               A.
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15 5 social work, which I got from the University of 1 Wisconsin in Madison in 1967 and 1971. I did also do 2 some doctorate work there. 3 So a BSW and MSW? THE COURT: 4 It's a BA major. THE WITNESS: 5 6 But no Ph.D? No, that's pretty much a research teaching 7 8 degree. What did you do you in the way of -- I think you 9 said you did some work toward the Ph.D. What did you 10 do in that regard? 11 Three or four courses. I don't remember which 12 13 ones right now. All right. What is your work history, Miss 14 Miller? What have you done since getting your 15 degrees? 16 17 Okay. From 1967 to 1970, while I was a part-time graduate school student, I did undergraduate social 18 work at the University of Wisconsin, Madison, where I 19 counseled students about their course requirements and 20 future plans and the sort of things that they needed 21 22 to do in getting their degree. Following getting my master's degree, I 23 worked at the Legal Services Center of Dane County in 24 25 Madison from 1971 to '73, and at that time it was a

private nonprofit agency that had contracted to 1 provide representation in juvenile criminal matters, 2 3 and they also had a civil program. I worked primarily in the juvenile defender program and then supervised 4 5 students in the other programs. 6 In 1973 I joined the faculty of the School of Social Work at the University of Wisconsin, where I 7 8 remained until 1985, although from 1976 to '78 I was 9 also the associate director of the Youth Policy and 10 Law Center, which was a private nonprofit agency 11 involved in juvenile justice policy issues in 12 Wisconsin. 13 In January of 1984 I went into private 14 practice. 15 Q. Now what is the nature -- at that time, what was 16 the nature of your private practice? And can you tell 17 the Court, please, how, if it progressed, how it 18 progressed from that point to the present? 開 19 I actually had done some part-time private work 20 over the years before 1984 -- Oh, and I forgot a major 11 21 job actually that I had from 1979 to 1984. I was the 127 22 Client Services Director at the Office of the State 23 Public Defender. I was there under an arrangement Fil-24 where the university can lend faculty people to state 200 25 government, and it was a newly created state public

defender so I set up and ran the social services of 1 2 that agency before going full time into private practice. Over the years I have done some private 3 cases, juvenile. 4 5 When you say you have done, I mean --6 Okay. A. 7 -- maybe we don't know what that means. does that mean, to say you've done cases? 8 9 I was retained by attorneys in matters like 10 juvenile cases. Juvenile -- For example, a juvenile 11 waiver, where they're trying to waive someone, I'd 18. 12 come in and do a history and assessment, and look at 13 information relevant to the question of waiver. 14 I did adult sentencing on behalf of 15 defendants, doing, you know, histories and sentencing 16 recommendations. I worked on family matters, custody 17 disputes and divorces, mental commitments. We had a 18 provision in our law that the prosecutor was 19 responsible for determining whether there were less 20 restrictive alternatives to mental commitment, and 7.1 21 actually the District Attorney's office hired me to (7) 22 look into those cases and determine what the treatment 23 needs were of people, whether they could be met in the [1 24 community. 25 I did some guardianship cases. Starting in

8 1984, I worked primarily on adult criminal sentencing 1 cases, juvenile cases, and a few family matters. 2 3 Do you have any licenses of any kind? I'm a licensed clinical social worker in 4 5 the State of Wisconsin. 6 Now I think you were talking, and perhaps you 7 concluded in the late '70's or something. Go on from 8 that point and just give the Court a general idea of 9 the type of work you've done since that time. 10 A. Okay. Well, I had talked a little bit about the 11 beginning of my private practice, the type of cases. 12 In 1986 I took my first capital case, which was a 1 13 post-conviction case in Illinois. Over the years my 14 practice evolved to the point that in recent years 15 it's been totally capital work. 3.7 16 And so over what period of time have you been 17 involved in capital cases? 18 A. Since 1986. 19 Now --0. 20 THE COURT: But when did it become 100 21 exclusively capital work? 13 22 THE WITNESS: Certainly, for the most part, 23 the last 10 years I might have occasionally done a 2.3 24 sentencing case, but I haven't for several years now. 25 THE COURT: Okay.

9 Have you in your practice had occasion to testify 1 Q. in court? 2 3 Yes. A. Could you please tell his Honor what your 4 experience has been in that regard? 5 6 A. In all types of cases? 7 Well, let's start with all types and maybe break 8 it down into more relevant subcategories. 9 I mean I started out in juvenile court and 10 testified --11 I'm talking about capital. I think we're -- I 12 mean to suggest capital cases, start with that and 13 just give the Court what you've done. 14 A. This is my 30th time testifying in a capital 15 matter. 16 Have you testified as an expert witness? Q. 17 A. Yes. 18 Q. As an expert witness --19 A. Yes. 20 Q. -- in all of those cases? 21 A. Yes. 22 Okay. Now can you be a little more specific in 23 types of capital cases in terms of what types of 24 courts and matters, that sort of thing? 133 25 I have testified in state trial cases 10 times,

10 1 in state court conviction cases 11 times, six times in 2 federal trials, one federal habeas and one military 3 trial level. THE COURT: Just a second. Six times in 4 5 federal trials at the trial level when the court was 6 determining guilt and punishment under a federal 7 capital sentencing scheme? 8 THE WITNESS: Yes. Five of those in the 9 penalty phase, and one actually in the guilt phase 10 where mental state was an issue. 11 THE COURT: All right. Thank you. Sir --12 MR. SIMMONS: Excuse me, your Honor? 13 THE COURT: I'm sorry, I will interrupt one 14 more time. Excuse me. 15 So this is your second time to testify in a 16 federal habeas proceeding? 17 THE WITNESS: Yes. 18 THE COURT: Okay. Go ahead, sir. 19 Is the nature of the testimony that you're 20 supposed to give here today similar to the types of 21 testimony that you've given in these other cases? 22 A. Yes. 23 And just in a general way, could you tell the 24 Court the type of testimony you propose to give here 25 and how it is similar or dissimilar to the other types

11 of testimony you've given? It's general social history information. 2 assessment of the significance of some of those 3 factors, and then in post-conviction proceedings, that 4 I have also testified about the original penalty phase 5 6 and what were some of the problems in the preparation 7 and presentation of that in that penalty phase. 8 Q. Okay. So you've done that, did you say, in 9 federal court about a half a dozen times? 10 In federal trials I've testified on social 11 history and psychosocial assessment. 12 Okay. And is what you're planning to testify to 13 today rather similar to what you have testified to in 2.0 14 those cases in terms of approach? 15 A. Yes. 16 Methodology? Q. 17 A. (Witness nodded.) 18 And nature of the opinions you're going to give? 19 A. Yes. 20 Q. Do you have any professional memberships? 101 21 A. Yes. I'm a member of the American Academy of 59 22 Experts in Traumatic Stress, the National Association 1 23 of Sentencing Advocates and the National Legal Aid & 10 Defender Association. 24 25 Have you received any awards from any

12 organizations of this type? 1 In 2000 I received the "Life in the 2 3 Balance" Achievement Award, an award given by the National Legal Aid & Defender Association for capital 4 5 defense representation. And in 1999 I received the 6 "Outstanding Contributions to the Profession," Award 7 from the National Association of Sentencing Advocates. What professional services have you rendered? 8 9 Primarily training. I have done a lot of 10 training over the years. I trained probably several times a year at national, state and local programs, 2.3 11 12 primarily on capital defense. I started out training 13 in the juvenile area, and then adult sentencing. In 14 the last few years, my training has primarily focused 15 on capital work. 16 Q. Have you trained attorneys? 17 A. Yes. 18 Could you give the Court an example of that? 19 . A. Well, I train annually at Life in the Balance, a 20 capital seminar put on by the National Legal Aid & 21 Defender Association. I've trained at the annual 22 training done by the National Association of Criminal · Author 23 Defense Lawyers, and the NAACP Legal Defense Fund 24 Capital Punishment Seminar, once at the ABA, and then 25 state programs have, I come in and do training for

13 their attorneys. 1 2 You mentioned the ABA. Have you had any 3 involvement with the development of guidelines by the ABA? 5 A. Yes. 6 And would you tell the Court what that was, 7 please? 8 A. Well, initially I was involved with "Guidelines 9 for the Appointment and Performance of Counsel in 10 Capital Cases" that were developed by the National 11 Legal Aid & Defenders Association in 1987. Those were 12 then adopted by the ABA in, I believe, 1989. 13 recently the ABA has revised an update of their 14 guidelines and I consulted on that project last year, 15 and the ABA adopted those guidelines in February. 16 Have you done any publications, written any 17 papers, articles of that kind? 1 18 Yes. 19 Tell the Court, please. 20 A. Well, in the '70's I wrote an article that was 21 published in the Journal of Education for Social Work 22 titled "Teaching Law and Legal Skills to Social 23 Workers." Then I've done a number of newsletter 1,1 24 articles over the years, but more recently I have an 20 25 article coming out in the Hofstra Law Review in

14 E ... October on "The Defense Team in Capital Cases." It's 1 part of an issue that's going to be devoted to the ABA 2 3 Guidelines. THE COURT: In October? 4 5 THE WITNESS: Yes. And they're doing a symposium in late October to sort of present this 6 7 issue on the new guidelines. I'll be speaking at 8 that. 9 Okay. Have you received any grants in connection 10 with your work? My grant work was really earlier in my career. I 11 12 wrote many grants beginning when I was at the Legal 13 Services Center of Dane County. The large grants were 14 to establish the Youth Policy and Law Center. 15 Are there any other activities that you think 16 would be interesting or significant to the Court that 17 you have engaged in that might bear on your expertise 18 as a witness in the area you're going to testify to 19 today? 20 Just I would say my work as a faculty member and 21 in the School of Social Work was to train students in 1 22 social work methods and supervise them in field placements that were in legal settings. 23 (3) 24 How do you characterize what you do? Is there a 100 25 name for it?

15 Forensic social work. The word forensic when 1 it's in front of another profession just means that 2 Cit you use the skills and expertise of your profession in 3 the resolution of legal matters, so I just work 4 5 primarily or entirely in court cases. All right. I'd like to ask you to tell the Court 6 in general what is an -- Is the term "mitigation 7 specialist" familiar to you? 8 9 A. Yes. 10 What does that mean in your view? It's a generic term that applies to people who 11 12 assist attorneys in capital cases by doing a number of 13 things. The primary role of the mitigation 14 specialist -- and people come to this job with a 15 variety of educational backgrounds. I think social 16 work is the most common, but some have other types of 17 educational backgrounds. The primary role is to do 18 the social history investigation which is so critical 19 in a case and really the foundation of so many other 20 decisions that have to take place in a capital case. Fil 21 They also, you know, assist with, you know, 22 working with the client and their family, helping to 23 identify potential witnesses, developing the themes

and strategy for the case. Another key role is to

assist in identifying the need for other expert

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16 assessments and then providing that social history 1 information that the other mental health experts need 2 in order to do competent evaluations. 3 Do you regard yourself as an expert in this area? 4 5 Yes. A. 6 Is this the nature of the testimony that you have 0. 7 given in these federal cases that you have previously 8 described? 9 Yes. A. 10 Again speaking rather generally, I would like 11 you, if you could, to tell the Court what are the 12 types of -- let's say you come into a case initially shoot 1 13 and you're brand new. What is your methodology, what 14 is your approach to your work in general? 15 A. You know, I start by asking the attorney for some 16 information about the case, what they know about the 17 client, the facts of the case, to send me whatever 18 records and reports they have related to the offense in this case itself, and if they have any prior 19 20 history, to send me that. If they've gotten any 21 information about the client, to send that so that I 22 have a little information to begin with. 23 I then would meet the client. That's one of 24 the first things to do, and try to get a sense, one, 25 of their functioning at the time, and then to begin to 1-1

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get the background information that I need. So you know, the first meeting is generally very long, getting a lot of social history information.

But the other thing you need to do early on then is identify all the records that you need to collect and other collateral sources of information so you can begin to develop a sense of, where do I need to go to learn as much as I can about the life history of this person. So then we start to collect records.

I will then do other interviews. You know, each thing that you do leads you to someplace else. So records will have names in them, and I'll go find those people.

When I do interviews with family or others, information comes out that I need to go back and talk to the client about to explore further.

You know, it requires multiple visits with some people because you need to develop a relationship of trust and confidence with people so that they will disclose sometimes very private and very sensitive and shameful information.

The other thing I do early on as I'm collecting this information is kind of analyze it to see, are there some issues here that would indicate the need for other experts to come in and evaluate the

		18
11.	1	client.
67	2	Q. Miss Miller, I would like you to look at Exhibit
÷11	3	3, please.
f]	4	A. (Witness complied.)
rii:	5	Q. Could you just tell the Court what Exhibit 3 is?
13	6	A. That is an affidavit that I prepared in this
7	7	case.
	. 8	THE COURT: I note for the record that the
T)	9	copy that I have has a copy of an exhibit tag 4 in the
	10	lower right-hand corner. Would you look at the lower
	11	right-hand corner and see if that's
	12	THE WITNESS: Yes.
i i	13	THE COURT: All right.
7	14	Q. And this, I take it, was submitted in the
	15	post-conviction state court proceeding?
	16	A. Yes.
	17	Q. And if you would look, Miss Miller, please, at
7	18	paragraphs 9, 10 and 11. Are these the kind of
	19	records that you would have been asking for and
	20	looking for in a normal investigation of the type you
1	21	described?
	22	A. Yes.
ا ج	23	Q. All right. Now is there in your view an issue
الله الله	24	related to the timing of these kind of activities,
9.5	25	when they should occur? And if so, would you just

.... 19 describe that to the Court? 1 2 Okay. Absolutely an issue. These kinds of things need to be done early in the case and well in 3 advance of trial for a number of reasons. 4 One, you really need to understand the 5 functioning of your client. There may be issues 6 7 related to mental state or competency, or just their ability to relate to counsel and work with them in the 8 9 case. 10 There may be a need for other experts, and 11 for them to do their evaluations they require good, 12 documented and accurate social history information. 13 So you need to have that pulled together in 14 advance of having the experts do their assessments. 15 You need to have this information in order to develop 16 your trial strategy, to select the jury. It's also used sometimes to try to work out 17 18 negotiated settlements of cases. So for a number of 19 reasons you need to get this information early, and 20 again to be sure that the strategy that's developed 21 for trial is coordinated in terms of guilt phase and (1.7) 22 penalty phase, and that you know in advance of trial 23 what that penalty phase strategy is going to be. GA 24 MR. COLLYER: Your Honor, at this point we

would like to renew our objection to Miss Miller's

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1:	1	testimony as an expert witness, as we did in our
-1.1	2	written objections. If you would permit we would
t. [1]	3	like to ask a few brief questions to voir dire here
周	4	on the qualifications.
	5	THE COURT: Have you finished with your
	6	qualifications?
	7	MR. SIMMONS: Yes, your Honor.
	8	THE COURT: Very well. I'll permit the
	9	voir dire now.
	10	VOIR DIRE EXAMINATION
	11	BY MR. COLLYER:
N. Carlotte	12	Q. Good morning, Miss Miller.
60	13	A. Good morning.
	14	Q. You testified you started working on your first
7	15	death penalty case in 1986?
*1¢	16	A. Yes.
	17	Q. Okay. Do you remember when in 1986 that was?
أور	18 -	A. I think in the fall.
	19	Q. Okay. What types of training did you have before
	20	the fall of 1986 to work on a capital case?
1	21	A. I had been to trainings in the National Legal Aid
P	22	& Defenders Association.
E83	23	Q. Were these seminars that you attended, were these
£23	24	national seminars that you attended?
170	25	A. Yes.

		21
	1	Q. Do you remember the titles of them?
	2	A. It would be their annual training conference.
	-3	Q. And these were specifically for death penalty
(4	cases?
7	5	A. No. It was an annual conference that had
r[]	6	sessions related to death penalty.
-	7	Q. Did you have any training in Ohio for death
	8	penalty mitigation investigation?
	9	
	10	
S. Contraction of the Contractio	11	penalty law put on the books?
er.	12	A. I'm thinking it was 1980 or '81. It wasn't one
R	13	of the first ones, I think, in the '70's.
13	14	Q. Was there a national standard that was in place
O.	15	at that point in time to govern all mitigation
	16	specialists throughout the country?
	17	A. No.
1	18	Q. So it varied?
周	19	THE COURT: "At that time" meaning 1980?
13	20	MR. COLLYER: I'll do both.
1	21	Q. In 1981 was there a national standard?
	22	A. No.
	23	Q. How about by March of 1986?
	24	
		A. There was not a national standard per se, but I
	25	think in the community in terms of training programs,

10 22 trial manuals and then looking at court decisions from 1 the Supreme Court, a general sense of what was 2 13 3 necessary to properly prepare. Are you familiar with any training programs or 4 publications that existed in Ohio before March of 1986 5 6 governing how a mitigation specialist would perform in 7 a capital case? " 8 No. And I have seen some newsletter articles 9 written by some people in Ohio, but I don't recall the 0 10 date. It would have been in the '80's, but I can't 11 say if it was before '86. 12 Okay. Are you familiar with any experts in the 13 field in Ohio who did mitigation specialist work 14 before March of 1986? 15 Yes. A. 16 Who would those be? 17 Susan Shore, Jane Core. I'm trying to remember. 18 Debra Starkey was doing it, and I don't recall, you 19 know, when. I don't know when Martha Jacoby or 20 Michael Curtis began, but I know they were working in 21 the '80's. 22 Now I think you identified three factors that you 23 would be giving expert testimony on, and let me know 24 if I have stated this correctly. General social 25 history that's necessary in a capital case, is that

23 one of them? 1 Yes. 2 A. The other is the significance of the factors that 3 0. would be developed in the social history? 4 5 A. Yes. And then also the problems in the preparation and 6 presentation in a penalty phase trial? 7 8 Right. A. Okay. Now do you have a theory that you applied 9 to each of these three factors that will be tested? 10 I'm not sure what you mean. 11 Well, I'm looking for your methodology in 12 determining as an expert witness your ultimate 13 conclusion on each of these three factors, what type 14 of a theory you applied to these three factors? 15 A. Well, I think my affidavit lays out what is 16 17 necessary to do in a social history investigation, 18 describes the nature and scope of a competent social 19 history investigation. So I look at what was done relative to what ought to be done to do a thorough and 20 (3) competent social history investigation. And then look 21 22 at that information in terms of understanding the 23 significance of developmental factors and experiences [1] 24 in someone's life, how they influence behavior, 10 25 personality. In terms of analyzing, you know, what

was done at trial, I compare what was done to the social history, and then, did people, you know, understand, pick up on significant factors, develop that and present it.

- Q. Now these list of factors that you have in your affidavit, the things that you're looking for in evaluating this case, are those types of factors subjected to peer review in your community of mitigation specialists? I mean are these factors that you list ones that appear in publications that other experts in your field evaluate to determine whether they agree with that or not?
- A. I'm not sure what you mean, but they're not in -I don't know the articles. There are a number of
 people, myself included, who have developed sort of
 affidavits, articles that are used as training
 handouts that talk about what you need to do to do a
 competent social history, so that a number of us
 who -- we're actually right now working on pulling
 them all together because of the great need for more
 trial mitigation specialists.

THE COURT: Let me back up a little bit and see if I can assist my own understanding of where this is going. The notion of a social history as the work product of a social worker is not something limited to

301 25 either forensic social work or capital forensic social 1 2 work, is it? THE WITNESS: No. Absolutely not. 3 THE COURT: So in your experience both as a 4 5 licensed social worker and as a faculty member in 6 doing social work, teaching, are there standards that 7 apply to the preparation of social histories that 8 would be generally accepted in the field of social 9 work, to put it perhaps --10 THE WITNESS: I don't know if it's sort of 11 written up. 12 THE COURT: Put it perhaps colloquially, are 2 13 there textbooks? THE WITNESS: There are books. 14 13 15 THE COURT: Textbooks? 16 THE WITNESS: Books that talk about social 17 work methods. When I taught methods, I didn't use a 18 single textbook, I used a lot of articles and 關 19 materials. 20 THE COURT: One would expect no less of 21 someone teaching at the University of Wisconsin. 13 22 THE WITNESS: In methods you teach, you 23 know, to be able to treat clients, which social MA 24. workers do, you first have to understand their history 25 and identify their problems and treatment needs.

That's really what I taught in methods. And fieldwork, how do you collect information, how do you analyze information, how do you use it to figure out treatment and rehabilitation needs, how do you set up a plan for services, how do you deliver services. It all really derives from knowing the history and circumstances of your client, so it's basic. I've been doing social histories since I started in juvenile court in 1971.

THE COURT: But as you said previously, that would also be a matter of -- the preparation of a social history would be something that would be done by folks who were doing social work other than forensic social work?

THE WITNESS: Oh, yes. You know, the county social service agency which is -- most people know as the most common social work agency, is doing child welfare and family services, they need social history information to help their clients. In hospitals they do it. Mental hospitals of course routinely do social histories to get a sense of the mental health issues on a patient's, you know, life, and figure out treatment plans. So it's really a part of the social work profession.

THE COURT: Back to you, Mr. Collyer.

27 BY MR. COLLYER: 1 Now when you testified, though, that mitigation 2 3 specialists can come from a variety of different types of background. What types of background besides 4 5 social work do those specialists come from? 6 There are people practicing -- there are lawyers 7 that decided they would rather be mitigation 8 specialists and then they go to trainings to learn how 9 to do that. People with criminal justice backgrounds. 10 You know, one of the top people in the country has an 11 anthropology degree. I know someone with a journalism 12 degree. But all of them have gotten a lot of training 100 13 working in agency settings. 14 So there's no list of qualifications then to be a 15 mitigation specialist? 16 Not per se. It's more an understanding of the 17 kind of skills one needs in order to do the work. 18 there are people who are mitigation specialists and 19 have the information-gathering skills but don't have 20. the educational training to do the psychosocial 14 21 assessment component, so there are different models of 14 22 how you do it, so if they don't have that training, 23 like I'm a licensed clinical social worker that can do 12 24 that, they would then bring someone else in that they 271 25 would provide the information to who would make the

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28 assessment. And that I think has been typically 1 2 what's been done in Ohio where the mitigation specialist collects the information, though they 3 understand indicators of key things they bring in a 4 5 psychologist very often to work with them. 6 Now would you agree that the practice of 7 mitigation specialist has developed since you first became involved in the fall of 1986 to where you are 8 9 today? But starting before then, I actually did, which I 10 11 don't have, just a standard of care memorandum for a 12 post-conviction case in New Jersey where I, you know, 13 went through the history of the development. There were actually people doing mitigation work actually in 14 the '70's before the Furman and Gregg decision, and 15 16 then starting again after, so it's evolved. 17 MR. COLLYER: Your Honor, I think at this 18 point that's sufficient for my voir dire. 1.9 THE COURT: All right. 20 MR. COLLYER: I could -- I would just make F .. 21 my objection to her qualifications as an expert 1 22 witness on two principal grounds. One is a temporal 23 ground, that she is giving testimony today as the (50) 24 standards that would be in place for this particular 25 case, which would be the end of 1985 up to and

29 including March of 1986, and I don't think that 1 2 she's qualified to give testimony as to that time 3 period what standards were in place for mitigation specialists. And then also specifically as to what 4 standards were in place in Ohio. 5 6 Going to the thing -- the three areas what 7 she proposes to give testimony on, I don't have an 8 objection to testimony as to what a social history 9 is, and as an expert witness, what types of things 10 were done in the social history, but as to the 11 significance of the factors for penalty phase preparation of what's developed in the social 12 13 history as to the problems of preparation of 14 presentation at the penalty phase of a trial, I 15 don't think this witness is qualified to give that 16 kind of testimony. 17 THE COURT: Thank you, sir. The testimony 18 will be taken subsequent to the objection. 19 DIRECT EXAMINATION (Continued) BY MR. SIMMONS: 20 21 Q. Miss Miller, we were looking, I believe, at 22 Exhibit 3, and there is -- Excuse me, I may not 23 recall, but have you stated generally what Exhibit 3 24 is? 25 THE COURT: Yes, she has.

30 1 MR. SIMMONS: Okay. 2 And there's an Exhibit B to Exhibit 3. Would you tell the Court, please, what that is? 3 I believe it's my report regarding findings in my 4 5 social history. Okay. This is, it says "Confidential 6 7 Memorandum." It's dated April 24, 1996. 8 Yes. A. 9 Okay. And just could you please tell the Court 10 in a bit more detail how you came to prepare this and 11 what it is and what its significance is in your view? 12 How I came to -- I initially was brought into 13 this case in 1991 just to review the trial record and 14 comment on the social history that was done and the 15 advocacy of that preparation at the time of trial. I 16 subsequent to that was asked in 1993, I believe, to do 17 the actual social history that I believe should have 18 been done, you know, prior to trial. P 19 Now just so -- excuse me for interrupting. 20 Exhibit 3 is what you think should have been done? Ly 21 That's correct. A. 10 22 Go ahead. Q. 23 And even that, there are a number of people that 問 24 haven't been interviewed, but it was much more 2 25 extensive than what was done at the time in 1986.

31 All right. Now what -- Could you tell the Court, 1 2 please, what your opinion is of what was done in 1996 3 in regards to mitigation? 4 Well, it was a very, very incomplete social history so it failed to uncover and develop many key 5 6 factors in Larry Landrum's life, and it was done way 7 too late to provide the attorneys with what they 8 needed to develop a strategy and presentation. 9 I don't know if it would help you or not, but you 10 certainly are welcome, I'm sure, to glance at your 11 affidavit if it would assist you, but I would like, if 12 you could, to be a little bit more specific with the 13 Court as to the inadequacies that you feel exist in 14 the mitigation work that was done in the original 15 trial. 16 Well, first of all they didn't really begin to work on the case until January 22nd of 1986 with a 17 18 February 10th trial date, and that's just -- all they P 19 did then really was interview the client at that 20 point. There were some other interviews, I believe, 21 that occurred on February 3rd. Most of the work was 100 22 done after the guilt phase of the trial, which makes 23 it, of course, impossible to know the penalty phase 24 strategy and incorporate it into jury selection and 25 case strategy.

And with the time limits, and I understand they had to have a caseload on other cases, there were just very many things that weren't done, records that weren't pursued, people that weren't interviewed.

There were things that they obtained that simply weren't developed. For example, the Upham Hall records had very, very significant information in them, and none of that information -- that information really wasn't developed and presented. I don't believe they got those records until well into February, so that was quite late.

The interviews that were done, there was a lot of information that wasn't obtained in them that I obtained in later interviews. Some of them were done as group interviews, and that's simply not a way to get people to talk openly about difficult things in their family, when they're sitting around with other family members. So the methods of getting the information I thought were not appropriate, either, so I mean it sort of violated almost every standard of how you would go about conducting a thorough and proper social history. It was just very incomplete. And then no one really even took what was there that indicated some significant issues and developed them.

Q. Could you be -- You described, I think, how you

33 feel about the methodology or the procedure that was 2 employed. Could you be specific with the Court on some of the things that you discovered that you think 3 1 were significant that were not uncovered and not 4 5 presented in the original trial? 6 A. Well, some -- First I'll talk about some things 7 that there were some indications of depression. 8 particular I think in the Upham Hall records there 9 were clear indications --10 THE COURT: U-p-h-a-m Hall. If I recall 11 correctly, Upham Hall is an agency of Ohio State 12 University. -13 THE WITNESS: It was connected to the 14 University Hospitals but it was a psychiatric 15 treatment program for juveniles. 16 MR. SIMMONS: All right. 17 You were in the process, I think, of 18 describing -- you covered Upham Hall, you were in the 19 process of describing some specific points that you 20 uncovered that you thought were significant. Would 21 you just go on with that? 22 123 A. There were clear indications that Larry suffered 23 from depression, that he had suicidal ideation, very 24 clear indications of his adopted father being abusive 25 to him. He was afraid of him. Even the father

34 admitted to becoming violent. That was significant. 1 There were indications of sexual issues that 2 3 might lead one to explore the possibility of childhood sexual abuse. There were certainly clear indications 4 5 of a substance abuse problem by this time. 6 Q. Now okay, I don't mean to interrupt, but the 7 first three or four points you made up to the 8 substance abuse, were those points that were uncovered 9 in the original report and/or presented at the 10 original trial, those first three or four items that 11 you just mentioned? 12 No. 4531A 13 All right. Now of course there was some 14 discussion at the trial of substance abuse? 15 A. Oh, certainly, and there was a mention that he 16 had been to Upham Hall. 17 Okay. Now you also mentioned something about 18 sexual -- you said something about sexual abuse. What 19 did you uncover in that regard, please? 20 There were two things in the Upham Hall records. 21 One was the testing that indicated problems with what 22 they called sexual differentiation. To me that's sort 23 of a red flag that you quickly want to know what is 24 that about, did something happen in early childhood, 25 particularly when you have it in combination with

35 early substance abuse. When people start to abuse 1 substances fairly early, like in childhood, usually 2 there's some underlying reasonableness to trauma of 3 some sort that leads to that. So the two of those 4 5 together. And there was an incident right before he was 6 7 discharged in which he exposed himself to a staff member. He clearly from the records was experiencing 8 9 extreme anxiety about going home and that clearly came 10 through in the records, and again to me would have been a real red flag to pursue why was he so afraid of 11 12 going home. dist Excuse me. I'm going to 13 THE COURT: 14 apologize for interrupting the flow of testimony. You 15 needn't step down but we have a half a dozen people . 16 that have been waiting on this initial appearance and 17 I want to take care of that, so if you'll pardon the 1 18 interruption. 19 (Whereupon another matter was 20 taken up by the court.) 21 17 22 THE COURT: Mr. Simmons, you may resume. 23 MR. SIMMONS: Thank you. 24 BY MR. SIMMONS: 25 Miss Miller, I was asking you to be a little

2 36 clearer if possible on this sexual abuse point to be 1 2 made. What, if anything, beyond what you have already said, did you discover in your investigation 3 4 in that regard? I learned from an older female cousin who 5 6 volunteered to me that she had indeed sexually 7 molested both Larry and another cousin who were 8 living in the household. This household which I 9 haven't described yet, but is described in all the 10 records, is a very large, multi-generational 11 household in Sault Ste. Marie, where there were 15 12 children in the family and many of them came home or 13 lived at home with their own children, so at times 14 there were 20 or more people in the household. so this is where this occurred. In fact this person 15 16 who admitted to me being the perpetrator had herself 17 been victimized by an older uncle in this same home. 18 About how old was Larry when this happened? 0. 1 19 About four or five. A. 20 Q. Now --150 21 THE COURT: One incident or many? 34 22 THE WITNESS: More than one. Probably not 23 many. A few. 24 Now was that ever brought out in the original 25 trial or the mitigation phase?

37 1 No. A. In connection with that comment, you talked about 2 0. 3 the family but I think that's worth a separate discussion, if you don't mind, aside from the sexual 4 5 abuse part of it. 6 Could you describe to the Court, please, what you discovered about the family situation when Mr. Landrum 7 8 was a young boy in Sault Ste. Marie? 9 THE COURT: Now before you do that I will 10 tell you that I have read your affidavit very 11 carefully and so I would invite you to -- you needn't 12 recite it, but feel free to emphasize the things you think are most important. 13 14 THE WITNESS: Right. 15 I think the most important thing was, because the social history was incomplete and inadequate, his 16 17 family was portrayed in a way that really wasn't 18 accurate. I think it was partially accurate, but 19 portrayed as this very positive, large and loving, 商 13 20 wonderful, warm environment. In some ways it was, but 21 in other ways there were some very significant things 24 22 going on that I believe had an impact on Larry. And 23 certainly the sexual abuse is one of them. 24 The other is that this is a family of, multiple-generational family with a history of alcohol 25

and drug problems, and you know, when I have a client
who has a substance abuse problem I want to know that
family history because we know that there can be a
genetic predisposition. So I wanted that information
and asked it, and found that at least eight of the
aunts and uncles had alcohol and/or drug problems, and

Sault Ste. Marie.

The paternal grandfather had problems. There certainly was a family history of that, and it was going on in the household when Larry was in the household. There were lots of people in and out of that household who had drugs, and I think one of the things that struck me was, I think, the relative uninvolvement of his mother in his early care. She was working and she was, you know, 18, 19, 20, so she was out socializing.

maybe more, because there were a couple not living in

He had many different caregivers and that's really not ideal for a young child. But the primary caregiver really was his grandmother to whom I think he became most attached so that her death in 1968 when he was, you know, six or seven, because I'm not sure of the month, was a very significant loss for him.

Q. Was that at all alluded to in the original reports or the trial?

- A. No. There may have been a brief mention of her death, but not really talking about these other things in the household.
- Q. Was there significance in your investigation in his relationship with his father, and could you -- stepfather, and could you please discuss that in the context of how the situation was actually presented in the mitigation phase at trial?
- A. Well, it was presented that there was what they called inconsistent discipline, you know, but why that was significant wasn't explained. It was sort of inaccurately presented in that it was presented that June was, you know, the stricter parent, and Dick Landrum was the lenient one who sort of undermined her discipline. Indeed I think she was probably a harsh disciplinarian and they seemed to believe that, but her discipline at least related to infractions on Larry's part and was predictable if you did something wrong.

Dick on the other hand, and particularly
after he came back from Korea, was described as very
moody and volatile and explosive and exhibited
unpredictable violence to the level of where it was
abusive with Larry. And not only is the abuse
significant, but the unpredictability of it for a

child, because then they don't know what can set a parent off, and they sort of -- it creates a lot of anxiety in a child.

It's clear, you know, and it was mentioned that he had lots of run-aways, for example. Well, run-aways are not really run-aways if they're actions to avoid abuse, and that's what they were on Larry's part. And that was never explained. Basically when he would not go home, it was because he was afraid of his stepfather, who then became his adopted father, and afraid of being beaten.

- Q. Was there any significance in your investigation in the move from Sault Ste. Marie to Chillicothe and when it occurred in terms of his development?
- A. It occurred just as he had turned five years old, and actually his mother went ahead without him. One of the other things that struck me about that move, and then again looking at some things in the Upham Hall records, were sort of what it said about Dick Landrum, who apparently insisted, even though he was going to be overseas in Korea, that his wife go to live with his family, who she had never met, and then his later described as being very restrictive of June and not allowing her to do things outside the home, which says to me something about his level of need for

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control, his anger, his possessiveness, you know, which really wasn't developed.

For Larry that was a significant move because really he had not had that close of a relationship with his mother in the home he was growing up in, which was a large, you know, family. So he went to this family of virtual strangers, and apparently both to Dorothy Landrum and June, things were very uncomfortable in that house. June didn't feel accepted by Dorothy who later became his adopted grandmother. She would leave the room when June came into it. There was a level of tension in that home which I think would be difficult for a young child, and moves are always difficult for children when they have to change schools and try to make new friends, so it was a difficult transition for him.

- Q. And were these subjects developed by the original investigation?
- A. No. There was a brief mention that the move was hard, but more because he was leaving what they described as this wonderful family situation, you know, which actually had its own set of problems. So it was alluded to, but again talking about how did that affect Larry, how might it have contributed to the depression, low self-esteem he suffers from, how

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42 did that contribute eventually to using substances as 1 a way to self-medicate --2 Could you just tell the Court in general your 3 evaluation, opinion of the mitigation presentation in 4 5 Larry's original trial? Well, it was --6 7 MR. COLLYER: Objection, your Honor. 8 THE COURT: Under advisement. Go ahead. 9 It was very, very weak and ineffective, and actually inaccurate in many of it's assertions. 10 Some of the assertions the mitigators tried to argue 11 12 actually were correct, but they didn't put on any 13 evidence to support them. 150 14 THE COURT: Spell that out a little bit 15 more, please. 16 THE WITNESS: Yes. For example, they 17 talked about youthfulness. 18 THE COURT: I'm sorry? 19 THE WITNESS: Youthfulness. As a 20 mitigator in my experience, and I, you know, I've 21 done a number of cases where this was an issue, and 22 also trained on it. For youthfulness to be viewed 23 as mitigating jurors have to understand why it's 24 mitigating, and we've made it mitigating because we 25 understand that.

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THE COURT: "We" meaning the legislature?

THE WITNESS: The legislature, the public,
those of us in the human service professions that
children, that there are behaviors that young people
engage in that are a product of that age and stage
in life, a product of immaturity. They are
impulsive, they don't think past their nose, they
don't anticipate consequences. But they mature out
of it. So how we evaluate their culpability as it
relates to punishment is knowing these are behaviors
at a stage in life people will grow out of, so you
have to understand why it's mitigating.

Then you have to understand about Larry in particular, you know. And one of the arguments that was made by the prosecution was that he was mature because he had been in the Navy and had children. Well, we know that doesn't necessarily make people mature because they managed to do that. In fact, having children out of wedlock that young is probably an example of immaturity.

But there are many ways in which Larry was very socially and emotionally delayed and immature that many people I talked to, you know, described to me, and none of that was presented, so that the jury couldn't really give any weight to that factor.

They didn't understand why it's mitigating and didn't know the ways in which Larry was very immature for his age. And the fact that he was involved with 15- and 16-year-olds as friends would be one indicator, but they got, you know, nothing else on that.

They also argued what we call skipper evidence, which is his ability to make an adjustment to incarceration, but again put on no evidence to support it. So a jury can't really evaluate that and give any weight to that if they have no evidence about his ability to make a real adjustment. They did not get the Fairfield records, which I understand were destroyed, but they had some names of people that worked at Fairfield and could have looked for staff people, you know, that had been there to try to get some information about Larry. We do know he completed his GED there and got his driver's license there. They did not get the jail records or talk to any jail staff, which I routinely do in every case that I work on.

THE COURT: Because?

THE WITNESS: You know, either they didn't have the time or they didn't know.

THE COURT: Why do you get them?

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THE WITNESS: Because it's very significant to a jury to know how a person can function in a confined setting if they're deciding between a life sentence and death. The fact that someone will adjust, will not cause problems, will get along with the inmates, will be respectful of employees, partake in programs, can be most compelling evidence. Some of the best witnesses I have seen are the correctional officers that come over and say what a great guy this is and he works, gets job assignments and he works and helps other people. That can be important evidence.

The other thing about the jail records in this case and why I really wanted to get them, and by the time I got them, many of them had been destroyed, so I didn't get them. But what I was wanting was that I had been told that Larry went through withdrawal early on in the jail, so I would have wanted to know about that, and that he was on medication.

The first time the mitigation specialist talked to him was three days after the birth, death of his baby, and there's no mention, I don't believe, in their notes about that, which to me is an extremely significant factor. And I would be very concerned about the mental state of my client who just had a baby die.

He told him he was on medication. We had been told that he was on medication throughout this trial, which to me is significant, and attorneys should have been aware just to know was he in a mental state that he understood what was going on in the trial and could participate in it when he was on psychotropic medications. And those records were gone, were destroyed by the time I was involved in the case but --

THE COURT: No indication that they were not destroyed pursuant to a regular pattern? No indication they were done --

THE WITNESS: No, it's just become a common practice, I have found, in recent years to destroy records after a certain period of time. Now the Scioto records, those records actually still existed at the time of his trial, but by the time I got in the case had been destroyed, and they were never requested. So that kind of thing happened, and of course the jail records would have been available then that were later destroyed.

Q. In responding to the, I think perhaps was the Judge's question, maybe you've already covered this, I just want to be sure. I think you said something to the effect in discussing immaturity and the

47 significance of it that it was -- that you had in 1 2 talking to people or doing your investigation, uncovered other information that you thought was 3 relevant on the immaturity issue, and I'm just not 4 5 sure that you described it. If you have, excuse me, but if you haven't, would you please do so, aside from 6 7 his age and aside from having had the children? 8 Well, he had difficulty in developing relationships with age peers and tended to relate 9 10 better to younger people, age 15 and 16. These were his friends. Had difficulty, you know, goal setting. 11 12 Was described as, you know, impulsive, you know, not planning ahead, being sometimes just silly acting, 13 14 kind of silly and childish, and not necessarily 15 related to substance abuse. People just generally described him as immature. 16 Would you please look at Exhibit 8? 17 18 (Witness complied.) 19 And please just tell the Court what that is? 20 That's a chronology, some people call it a 21 timeline. I just routinely do these in most of my 22 cases, where I take significant dates of the life 23 history and just sort of list them out in order so you can get kind of a quick and easy overview of a 24 25 person's life and significant things that happened

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	1	over the course of it.
' aj	2	MR. SIMMONS: That's all I have, your
1	3	Honor, of this witness.
1	4	THE COURT: Thank you. Cross?
	5	CROSS-EXAMINATION .
1	6	BY MR. COLLYER:
	7	Q. Miss Miller, you started your work in this case
3	8	in 1991; is that correct?
1	9	A. Yes.
	10	Q. And you finished at least for state
200	11	post-conviction purposes in 1996?
9	12	A. Yes.
3	13	Q. I believe your testimony was you felt that even
	14	at that point it was still incomplete, there were
	15	still other things out there that you could have been
	16	able to find?
	17	A. There were names revealed in school records of
1 -	18	teachers. We did find some people. But there were,
	19	you know, names of people, still other people that I
	20	would have interviewed.
5	21	Q. So then even after working on it on and off over
Market of C	22	a period of five years, there were still other things
Control Control	23	that could have been done for Larry Landrum's
	24	investigation?
	25	A. Yes.

. 51 obtained and all of their requests for records. 1 Q. Okay. Did you submit any of that material in 2 connection with your report on this case to show what 3 they did and didn't do? 4 5 I talk about it in the affidavit and somewhat in 6 the report in terms of what people I interviewed said. 7 So you reviewed that material in preparation of 8 your report. Did you also review it in preparation 9 for your testimony today? 10 Yes. I reviewed it the first time just to do a 11 kind of an assessment of the performance before I was 12 asked to actually do my report. Then I was asked to do my history, and then, you know, sort of compared 13 14 them. And then I reviewed everything. 15 MR. COLLYER: Your Honor, at this time we 16 would request permission to see the materials that 17 were submitted to the expert upon which she's basing 18 her conclusion. We don't want to look through -- we No. 19 know mostly what she's listed in her affidavit that 20 she considered that we don't need to look through, Fig 21 but as to these types of materials, the notes and 22 records they claim they requested and didn't get, we 23 would like an opportunity to see what those are. 13% 24 THE COURT: Mr. Simmons? (**) 109 25 MR. SIMMONS: Your Honor, I don't believe

第一年 日 日 年 日 52 they're available right this minute, but I certainly 1 have no objection to it. 2 THE COURT: They should be produced within 3 10 days. 4 MR. SIMMONS: If counsel -- Maybe we can 5 6 do this off the record. I would like him to be very 7 specific what he is asking for and what he isn't. 8 THE COURT: I heard a standard Rule 26 9 request, anything that the expert reviewed in the 中学不 10 course of preparing her opinion should be disclosed. 11 MR. SIMMONS: Fair enough. Now in talking about some of the underdeveloped 12 13 issues, you mentioned the Upham Hall records and you 14 said that there was some testing that was done there 15 about sexual orientation, something along those lines? 16 THE COURT: Differentiation I think was the 17 word used. I don't know whether it's a distinction. 18 THE WITNESS: It's their word. 19 THE COURT: What test was it, can you tell 20 us? 21 THE WITNESS: It was based on drawings, they 1.35. 22 did an MMPI and then they did -- Drawings were 23 immature and showed poor sexual differentiation and strong dependency needs. 24 25 Q. For the record, what are you reviewing to make

53 1 that --2 My report. A. 3 What --0. Page 21. 4 A. 5 Thank you. Q. What was the psychological diagnosis that the 6 Upham Hall people came up with for Larry Landrum? 7 Run-away reaction of adolescence. 8 A. 9 So now your testimony is, though, they should 0. 10 have been able to diagnose him with some sort of depression at that time? 11 They probably should have. In their records, you 12 13 know, are indications of his sadness, his anxiety. They find him sobbing in his room one day, he appears 14 anxious and depressed. They describe him in their own 15 16 records this way. They didn't either go out and get 17 information about a lot of what was going on in the 18 home, although the father talked about himself, about 19 his own anger and violence, so they had information both at Upham Hall, and then the mitigation people had 20 12 21 it. 22 You know, when I worked in juvenile court, I'd 23 see this, you know, behavior reaction to adolescence thing all the time. It doesn't really tell you 24 25 anything.

THE COURT: It doesn't say anything more than an adolescent is an adolescent.

THE WITNESS: And again calling it run-away when those run-aways were really about avoiding beatings, you know, sort of mischaracterizes what that was about.

- Q. And one of the other topics you touched on was the inconsistent discipline and the way that played out at trial, with the father being portrayed as the more lenient of the two parents and the mother being the strict disciplinarian; is that correct?
- A. Yes.

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- Q. Did you find anything in your review of the penalty phase to indicate that there was evidence presented to the jury that the father had physically abused Larry Landrum?
- A. I believe David Enderle, a friend, said he was aware of it, but it was a brief mention and again not developed because it was inconsistent with what the parents were saying. I'm not sure the jury would know what to make of it.
- Q. So is it your testimony also that Dick Landrum didn't mention anything about abusing Larry?
- A. You know, if he did, it was very superficial and brief, not developed in a way that showed exactly the

nature and extent of what went on and how it related to Larry's fear of going home, you know, when he was in the community, and his extreme fear of going home when they were discharging him from Upham Hall. You know, it's not enough to mention something briefly if it isn't explained, wanting detail like I've been trying to give detail, and what it means and how it affected his behavior.

- Q. But would you find it to be significant if the father admitted to a jury that he had physically abused the son?
- A. Somewhat, but not enough if it isn't explained in more detail and then someone doesn't explain what is significant about that in terms of how it, the effect it had on Larry.

THE COURT: Do you have an opinion about the effect it had?

THE WITNESS: Yes.

THE COURT: Are you prepared to state that opinion this morning?

THE WITNESS: Yes. I mean I think it created a great deal of anxiety in him, a great deal of fear, and I think it was connected to his substance abuse. I think his substance abuse, you know, was self-medication for a number of things that -- fear,

his depression.

The other thing that I hadn't mentioned that there are very many mentions is the hyperactivity disorder in him, and there are other cousins that have that, and that is something that can run in families and I see a lot of clients self-medicating for that, particularly using central nervous depressants because they calm a person.

So there are many things that are linked to his substance abuse that I think were very important to talk about that were not talked about. So that the jury might have known he abused substances, but if they didn't know the underlying reasons, then how they view that -- it's hard to view substance abuse as mitigating if you don't understand why people abuse substances and how it affects them.

- Q. Now you just mentioned the attention deficit hyperactivity disorder. Are you aware of any psychological diagnosis even up to today that Mr. Landrum suffered from that?
- A. No, it's just by description of many family members describing both the level of activity and then the concentration, attention problems and distractibility. Those are the things you see, but there's not a diagnosis in the records.

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57 One of the other mitigators you mentioned that 1 you felt wasn't sufficiently developed was 2 youthfulness. How old was Mr. Landrum at the time of 3 the offense? 4 Very close to 24, but still 23. 5 6 In your experience, what is the range of -- what Q. 7 7 is considered to be youthfulness? What age range is 8 it? 9 You know, it can range well into the 20's because 10 you have to look at, you know, behavior, and whether behavior is more indicative of a younger age. And you 11 look at things that delay people's maturation. Trauma 12 13 and abuse and depression, those are things that can delay it. 14 15 The other thing we know is that the human 16 brain doesn't actually fully develop until well into 17 the 20's, and it's different for every person. People 18 mature at different rates, so you can be -- and 19 especially we know boys compared to girls tend to 20 mature later. And so they can be well into their 20's 村 21 and still behaving like 16-year-olds. I have a son 22 like that myself so --23 When you speak of well into your 20's, if you 弱 24 could put a number range on it. I suppose that

depends on what the state's lower limit is eligible

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for the death penalty. What's the upper number you worked with in your experience?

A. There really isn't an upper number because every person is different, you know, and matures at different paces, and so you really have to look at behavior and level of maturity instead of a strict chronological number. It's hard to argue maturity I suppose after the mid to late 20's, although even then you can look at some people's behavior and say it's immature, so there isn't a strict cut-off point on that level.

THE COURT: You tend to offer in your testimony a psychological and/or neurological explanation. I infer that that's what you think from what you have said. Would you be inclined to find credible sociological explanations as well, the pattern that graduate schools encourage people to stay forever?

THE WITNESS: It's, you know, many things that go into making the person and influencing the development. You know, you can have -- there are environmental issues of nutritional deficits and toxic exposure and the way the parents parent. I mean, you know, I found the paternal grandfather in this case very interesting in that because he was orphaned at an

early age and shuffled around from foster home to foster home, he had this need to have this large family and keep them close, and he held on to them, I think too tight.

I think that June Landrum sort of rebelled at a point when she then had Larry and it was hard to get away from that family, so that how his mother was parented, why his grandfather didn't want to let him go, that's part of what happened to his grandfather when he was young, so you know, understanding how people develop and become the person they are is complicated and it requires looking at a lot of things.

- Q. Now in your experience working with psychologists doing mitigation specialist type of work, are you aware of any types of psychological tests that can put, even though chronological age is 24, a psychological age or level of maturity?
- A. No, not specifically. There are cognitive tests that place, you know, mental age in terms of cognitive functioning, so you know, Dr. Smith I think would know that.
- Q. But in your review of all the records available to you in this case, did you find anything to show either a cognitive age or some other maturity age less

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60 than 24? 1 At that time? 2 Yes. 3 There wasn't that kind of tests. I haven't seen 4 5 any testing at the time. The only records of testing 6 are the Upham Hall records. THE COURT: Mr. Collyer, I think at this 7 moment we'll take our morning recess for 10 or 15 8 minutes. We'll be in recess. 9 10 (Short recess.) THE COURT: Mr. Collyer, you may resume your 11 12 cross-examination. 13 BY MR. COLLYER: I just have a couple more topics to hit. 14 15 You spoke a little bit about adjustment to incarceration. What is your understanding, based on 16 17 the records you had at your disposal, about the 18 medication that Larry Landrum was on during his time 19 in jail? 20 A. I believe initially Xanax, and then I think i bi 21 Desyril and one other. I know there were two. 22 Halcion and I believe he was on Desyril. 23 THE COURT: Hold on just a second. Halcion. 24 THE WITNESS: And Desyril, which was an 793 25 antidepressant. Halcion which was used for sleep has

61 caused a lot of problems for people when the dosage 1 isn't correct. The first President Bush getting sick 2 in Japan when he was at a state dinner, that was 3 Halcion that caused him to pass out, so -- And he was 4 5 on that for sleep, and I believe put on those after the baby died in late January. 6 Q. Are you familiar with the types of effects that 7 one would have from taking this type of medication? 8 9 Do these medications, are they more sedatives or do 10 they excite you or --Halcion is used as a sedative. 11 12 Okay. Q. And it can -- you know, I'm not an expert, so I 13 14 have some familiarity in terms of having what people will call like a morning hangover where you're still 15 feeling tired, it can cause like confusion, and so it 16 17 can be a problem to be on it. I wouldn't know, but Dr. Smith would know for someone with Larry's 18 19 substance abuse history any issues related to those medications. But someone would want to know that and 20 21 find out more about it. 22 Okay. How much are you being paid for your testimony and your work in the federal habeas 23 24 proceedings here?

A hundred dollars an hour.

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A.

62 1 How much time have you spent in the federal 0. habeas proceedings in this case? 2 1 3 On this case? A. Yes. Can you estimate? 4 0. 5 I think by the end of today it will be between 50 6 and 60 hours. 7 And I take it from your testimony and the 8 organizations you're involved in, you're opposed to 9 the death penalty? 10 A. Yes. 11 How many other cases would you say you've been 12 involved in where you have come in to evaluate the 13 mitigation investigation and presentation done by 14 others in capital cases? 15 A. Where that's the only thing I've done, or done that in addition? 16 17 THE COURT: Both. 18 I've done 32 post-conviction cases, you know, in 19 many states. One on a federal death sentence 20 post-conviction and two military. So I generally look Fa 21 at -- I haven't -- there may be three, that I just did 22 that analysis and testified about that and didn't do 23 the whole history, the new history was done by someone 24 else, and the rest of them I actually then went out and did the social history. 25

Well, yes. I think that it's -- you know, it's a A. position I came to, I come from a nondeath penalty state so when I first came into this work I really hadn't had to think about it at all, but in now going on 18 years of doing it and having worked in many states and, you know, federal and military jurisdictions, I think -- and reviewing cases of people, and I had a client in Oklahoma, the other federal habeas proceeding, where that man was executed. So to me when I look at who's on death row, they're all poor, mostly minorities. People who, many people with mental illness, people who are retarded. And hopefully we're dealing with that now, but when I see, you know, how people get the death penalty and who does and who doesn't, it doesn't seem to make a lot of sense to me, and has to be very often a function of resources, the quality of lawyering, where you know, in the South it's much more common, so it troubled me as I began to see that.

Then I think because I'm a social worker and I've been a social worker for over 30 years, and it's a profession that really is based on a belief in the worth of the individual and the capacity of the individual to change, but the values of this profession are really inconsistent with the death

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65 penalty. 1 Thank you. 2 Q. THE COURT: Recross? 3 No, your Honor. MR. COLLYER: 4 Okay. My turn. THE COURT: 5 EXAMINATION 6 BY THE COURT: 7 How much time did it take you to prepare? I'm 8 talking about hours now, not -- we've already had 9 testimony that you had some initial involvement in 10 this case in '91, and I think you said it was in 1993 11 that you were finally asked to prepare the social 12 19 history. So how many hours' work did it take? 13 Obviously this wasn't the only thing you did between 14 15 '91 and '93? 16 Post-conviction, of course you have kind of a 17 jump-start because you have some things. I had some 18 records and information --19 Q. Right. 20 A. -- and names and addresses of people to start 21 with, which ordinarily I have to go looking for. So 22 it was, I believe, just under 200 hours. And that 23 actually is quite a bit less than what I actually 24 typically spend today getting ready for trial. But we 25 had some things I had to work with in the contracts

provided to me by the Ohio Public Defender, which is why I say there were names and records of people I would have still liked to look for and interviewed had I had the ability to do that, but so I would say close to 200, I believe.

- Q. And you just indicated that that was substantially less than you would spend if you were doing a social history as a mitigation specialist at the trial level today?
- A. Yes.
- Q. How much time would you spend typically?
- A. Typically now, because I have been working on a lot of federal cases where, you know, they're very good about giving you the resources you need to do a thorough report, I would say I average 5 or 600. Now some of these cases, Larry's, involved geographic locations. The number of hours, too, are a function of where everybody is. I have had cases where I have had to go to Africa and Korea. Those take a lot more time when you have a lot of travel and family members spread throughout the country, or an extensive history of records. So there are a lot of factors that influence it.

People have been -- I think the people at Hofstra have been trying to get a handle on proper caseloads,

67 and their feeling in conducting a survey of mitigation 1 people around the country is that you can do four 2 cases a year, so that's, you know, 4 or 500 hours per 3 case is viewed to do a thorough history. 4 Five-hundred hours a year, four cases a year 5 comes out to 40 hours a week for 50 weeks? 6 7 Yes A. Less then many juniors in law firms are asking to 8 bill, but --9 Every case is different, though, you know. And 10 11 that was one of the things that struck me looking at 12 this case was the caseload these people had, that they were preparing for five or six other cases in the 13 weeks preceding this trial. It's just impossible to 14 12 15 do what needs to be done to get ready for trial with that kind of caseload and in that kind of time. 16 17 Q. Speaking of the Hofstra matter, is your Hofstra 18 article in final form? 19 I just sent the final edits on Tuesday and 20 they're turning it around to me. I should have it 21 Friday. 5 22 Do you have any difficulty providing a copy of 23 that to Court and counsel? 24 A. Sure. 25 Q. I very much appreciate that.

68 A. There are eight people who were asked to write 1 articles for this issue. One article is all on the 2 role of the mitigation specialist. 3 We look forward to seeing the whole thing, but 4 it's important to have that in this record in this 5 case, I think. 6 7 MR. SIMMONS: Do you just want her article or all of them? . 8 9 THE COURT: I'm assuming all of them are not available to us now, so let's talk about just getting 10 hers for the record in this case. 11 12 MR. SIMMONS: Yes, your Honor. 13 THE COURT: And then we'll worry about 14 getting the full issue later. 17 15 If you remember, in your experience in working in 16 capital cases, does the state ever retain somebody to 17 do a social history? 18 A. No. In federal cases they do send the FBI to get 19 like some records and talk to some people, but I 20 wouldn't call it a social history, so I don't know of 13 21 anyone who does that. It might have aggravation 1 22 specialist, but no. There are some states that still 23 do presentences in capital cases, that varies by 24 jurisdiction, but then that's generally, I think, done 25 after the sentence. They don't do it before.

Q. Right. In Ohio we still have the possibility of a presentence investigation in capital cases, but it's very different from the structure in most other felony cases.

Had you been retained at the trial level in this case, what would have been your theory of mitigation?

- A. Well, you know --
- Q. See, why that's critical, the question is not what wasn't done, the question is what prejudice was done?
- A. I think it would have been very important to look at his developmental experiences much more carefully to understand, you know, why he functioned the way he did, and in particular to understand his substance abuse problem because that's one of those issues that can be viewed as aggravating or mitigating depending upon how you explain it.

And there was a great deal of discussion by
the prosecutor of, you know, about choice, that he
chose to do this. Well, we know that, you know, it
isn't that simple as choice when you have a genetic
predisposition, when you have the kind of life
experiences that Larry had, it's very common to choose
to self-medicate. And while he came to the attention

of people over his life, and Upham Hall certainly saw many of the problems, he never really got appropriate treatment. He certainly didn't get substance abuse treatment. But I find that standard alcohol and drug treatment isn't adequate, either, if you don't address the underlying issues.

- Q. Underlying psychological issues?
- Right. The depression, hyperactivity, the trauma, all of the things that led him to use this as an escape, so you know, I think had the jury understood that, had they heard about this boy who was little or was beaten up on the way home from school, who other children locked in a freezer when he was a child to tease him, had the teacher come in and described this child that wore the same shirt to school every day, and on eighth grade graduation wore the same shirt that night and no one from his family come to the graduation, and had they understood how afraid he was to go home; they heard about run-aways but if you don't know this, they were -- because he was afraid to go home, you know, I have to think that would have an impact in terms of understanding him, seeing the humanity in him, understanding how he was caught up with these 16-year-olds, you know.

Upham Hall talks about him being susceptible

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to negative peer influence, you know, and indeed he was. So I think that would have been good. Again I would -- I talked about youthfulness and explained it, and I think I would have very much wanted to talk to people from Fairfield and talk to people at the jail and present evidence of his ability to do well in a prison setting, I think that could have been very

- Q. You indicated that, early on in your testimony, that one of the important things about getting started with the social history, with getting the mitigation specialist involved is to be able to influence jury selection.
- A. Uh-huh.

important.

Q. Would you agree with me that the rhetoric of mitigation varies according to the audience that you're addressing, what jury you got or what jury you can get, or do you think that that's pretty -- Let me explain why I ask the question. Sometimes when lawyers are trying to decide, should I file a case in the Common Pleas Court in Montgomery County or should I file in federal court, should I remove the case, it is explained to them that Montgomery County juries are all urban people whereas this Court's juries are drawn from a much more mixed geographical setting. The

typical joking reference is a lot of green gill farmer's wives on juries in federal court. Whether that's true, I don't know. That's a joke that's often told. Ross County is not a major metropolitan area.

I don't know in the course of your experience whether you have had occasion to think about the difference between choosing a jury and then arguing to a jury in that setting as opposed to a major metropolitan setting, or if you think that makes any difference.

A. Well, it does in terms of you need to know in advance of trial who is the pool, where am I trying this and what is the pool of jurors and what do I know about my client and how do I find people. You know, how do I find people who understand or maybe have some life experience with substance abuse in their family. I would have been looking -- you know, I don't know what kind of voir dire you have here. I'm used to a lot of individual voir dire on capital cases in most places, and you do a questionnaire and you attempt to know a lot.

I mean I think you can't control the pool, but you have to know what is your client's story and what is your theory to think about what questions to ask and who are you looking for and who don't they

want on the jury because they do think it's always a choice to do drugs or alcohol. I would want to know what people's experience is with that and what is their attitude about people who do drugs. That I think would have been very important in voir dire inquiry.

You know, there's been so much on TV about the abuse excuse, so what are people's attitudes about children who have been abused? Do they think that children are affected by those experiences; those questions.

And you know, picking a jury for a noncapital case is very different than picking a jury for a capital case, and the penalty strategy has to be very much in the mind of attorneys that are picking the jury. When you don't even know your client's history at that time, you know, you just can't. You know, once there is a jury you have to say, what do I know about these people, you know, and what do I need to tell them about Larry that will help them understand who he is and how he got to this place in his life.

Q. The overall objective being to humanize him; right?

A. To make them see the person, uh-huh, the whole person, and not just, you know, a murderer, but the

74 person who did this terrible, terrible thing, you 1 2 know. You indicated that at the time you did your work 3 before the post-conviction process, that some of the 4 5 records that you might have wanted to see had been destroyed or were missing. And I note that you were 6 7 initially involved in the case in '91, you were asked 8 to do the social history in '93, you completed the social history in '96. Do you have any idea why there 9 was such a long delay between trial and 10 11 post-conviction? No. I mean every state is different in terms of 12 how it moves cases. 13 14 THE COURT: You may step down. 15 THE WITNESS: Thank you. 16 (Witness was excused.) 17 THE COURT: Mr. Simmons, you may call your 18 next witness. 19 Yes, your Honor. Dr. Smith. MR. SIMMONS: 20 ROBERT L. SMITH, Ph.D 21 witness herein, being first duly sworn, testified as 22 follows: 23 DIRECT EXAMINATION 24 MR. SIMMONS: I think counsel has -- she's 25 going to stay a while to hear the doctor's testimony.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing three volumes of exhibits for *Nathaniel Jackson's Proffer* were hand delivered to Luwayne Annos, Assistant Prosecuting Attorney, Trumbull County Prosecutor's Office, 160 High Street, N.W., 4th Floor Administration Building, Warren, Whio 44481, on this the 14th day of August, 2012.